

SECOND REGULAR SESSION

# HOUSE BILL NO. 1897

## 96TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES COX (Sponsor), KELLY (24) AND BARNES (Co-sponsors).

5897L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 32.057, 105.478, 115.631, 130.028, 130.031, 142.909, 142.911, 143.1001, 143.1003, 149.200, 168.071, 188.030, 190.621, 191.905, 191.914, 193.315, 194.410, 194.425, 195.005, 195.010, 195.015, 195.016, 195.017, 195.025, 195.030, 195.040, 195.050, 195.060, 195.080, 195.100, 195.110, 195.130, 195.135, 195.140, 195.150, 195.180, 195.190, 195.195, 195.198, 195.202, 195.204, 195.211, 195.212, 195.213, 195.214, 195.217, 195.218, 195.219, 195.222, 195.223, 195.226, 195.233, 195.235, 195.241, 195.242, 195.246, 195.248, 195.252, 195.254, 195.256, 195.275, 195.280, 195.285, 195.291, 195.292, 195.295, 195.296, 195.367, 195.369, 195.371, 195.375, 195.417, 195.418, 195.420, 195.501, 195.503, 195.505, 195.507, 195.509, 195.511, 195.515, 196.979, 197.266, 197.326, 198.015, 198.070, 198.097, 198.158, 205.965, 210.165, 214.410, 217.360, 217.385, 217.400, 217.405, 217.542, 217.543, 217.692, 221.025, 221.111, 221.353, 252.235, 260.207, 260.208, 260.211, 260.212, 260.379, 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395, 301.390, 301.400, 301.401, 301.559, 301.640, 302.015, 302.020, 302.060, 302.321, 302.500, 302.605, 302.700, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755, 302.780, 303.024, 303.025, 304.070, 306.110, 306.111, 306.112, 306.114, 306.116, 306.117, 306.118, 306.119, 306.141, 306.420, 311.325, 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018, 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370, 354.320, 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757, 374.789, 375.310, 375.537, 375.720, 375.786, 375.991, 375.1176, 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436, 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371, 411.517, 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.085, 455.538, 476.055, 542.402, 544.665, 556.011, 556.016, 556.021, 556.022, 556.026, 556.036, 556.037, 556.041, 556.046, 556.051, 556.056, 556.061, 556.063, 557.016, 557.021, 557.026, 557.031, 557.035, 557.036, 557.041,

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

557.046, 558.011, 558.016, 558.018, 558.019, 558.026, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036, 559.100, 559.105, 559.106, 559.107, 559.110, 559.115, 559.120, 559.125, 559.600, 559.604, 559.633, 560.011, 560.016, 560.021, 560.026, 560.031, 560.036, 561.016, 561.021, 561.026, 562.011, 562.016, 562.031, 562.036, 562.041, 562.051, 562.056, 562.061, 562.066, 562.071, 562.076, 562.086, 563.021, 563.026, 563.033, 563.046, 563.051, 563.056, 563.061, 563.070, 564.011, 564.016, 565.002, 565.004, 565.020, 565.021, 565.023, 565.024, 565.025, 565.030, 565.032, 565.035, 565.040, 565.050, 565.060, 565.063, 565.065, 565.070, 565.072, 565.073, 565.074, 565.075, 565.080, 565.081, 565.082, 565.083, 565.084, 565.085, 565.086, 565.090, 565.092, 565.095, 565.100, 565.110, 565.115, 565.120, 565.130, 565.140, 565.149, 565.150, 565.153, 565.156, 565.160, 565.163, 565.165, 565.169, 565.180, 565.182, 565.184, 565.186, 565.188, 565.190, 565.200, 565.210, 565.212, 565.214, 565.216, 565.218, 565.220, 565.225, 565.250, 565.252, 565.253, 565.255, 565.300, 565.350, 566.010, 566.013, 566.020, 566.023, 566.025, 566.030, 566.032, 566.034, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083, 566.086, 566.090, 566.093, 566.095, 566.100, 566.111, 566.135, 566.140, 566.141, 566.145, 566.147, 566.148, 566.149, 566.150, 566.151, 566.153, 566.155, 566.203, 566.206, 566.209, 566.212, 566.213, 566.215, 566.218, 566.221, 566.224, 566.226, 566.265, 567.010, 567.020, 567.030, 567.040, 567.050, 567.060, 567.070, 567.080, 567.085, 567.087, 567.110, 567.120, 568.010, 568.020, 568.030, 568.032, 568.040, 568.045, 568.050, 568.052, 568.060, 568.065, 568.070, 568.080, 568.090, 568.100, 568.110, 568.120, 568.175, 569.010, 569.020, 569.025, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.070, 569.072, 569.080, 569.090, 569.094, 569.095, 569.097, 569.099, 569.100, 569.120, 569.130, 569.140, 569.145, 569.150, 569.155, 569.160, 569.170, 569.180, 570.010, 570.020, 570.030, 570.033, 570.040, 570.050, 570.055, 570.070, 570.080, 570.085, 570.087, 570.090, 570.100, 570.103, 570.110, 570.120, 570.123, 570.125, 570.130, 570.135, 570.140, 570.145, 570.150, 570.155, 570.160, 570.170, 570.180, 570.190, 570.200, 570.210, 570.215, 570.217, 570.219, 570.220, 570.222, 570.223, 570.224, 570.225, 570.226, 570.230, 570.235, 570.240, 570.241, 570.245, 570.255, 570.300, 570.310, 570.380, 571.010, 571.014, 571.015, 571.017, 571.020, 571.030, 571.045, 571.050, 571.060, 571.063, 571.070, 571.072, 571.080, 571.085, 571.087, 571.093, 571.095, 571.101, 571.102, 571.104, 571.107, 571.111, 571.114, 571.117, 571.121, 571.150, 572.010, 572.020, 572.030, 572.040, 572.050, 572.060, 572.070, 572.110, 572.120, 573.010, 573.013, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.050, 573.052, 573.060, 573.065, 573.090, 573.100, 573.500, 573.509, 573.528, 573.531, 574.010, 574.020, 574.030, 574.040, 574.050, 574.060, 574.070, 574.075, 574.085, 574.105, 574.115, 575.020, 575.021, 575.030, 575.040, 575.050, 575.060, 575.070, 575.080, 575.090,

575.100, 575.110, 575.120, 575.130, 575.145, 575.150, 575.153, 575.159, 575.160, 575.170, 575.180, 575.190, 575.195, 575.200, 575.205, 575.206, 575.210, 575.220, 575.230, 575.240, 575.250, 575.260, 575.270, 575.280, 575.290, 575.300, 575.310, 575.320, 575.350, 575.353, 576.010, 576.020, 576.030, 576.040, 576.050, 576.060, 576.070, 576.080, 577.001, 577.005, 577.006, 577.010, 577.012, 577.017, 577.019, 577.020, 577.021, 577.023, 577.026, 577.029, 577.031, 577.037, 577.039, 577.041, 577.049, 577.051, 577.052, 577.054, 577.060, 577.065, 577.068, 577.070, 577.071, 577.073, 577.075, 577.076, 577.080, 577.090, 577.100, 577.105, 577.110, 577.150, 577.155, 577.160, 577.161, 577.201, 577.203, 577.206, 577.208, 577.211, 577.214, 577.217, 577.221, 577.500, 577.505, 577.510, 577.515, 577.520, 577.525, 577.530, 577.600, 577.602, 577.604, 577.606, 577.608, 577.610, 577.612, 577.614, 577.625, 577.628, 577.675, 577.680, 578.008, 578.009, 578.012, 578.018, 578.021, 578.023, 578.024, 578.025, 578.027, 578.028, 578.029, 578.030, 578.050, 578.075, 578.095, 578.100, 578.105, 578.106, 578.110, 578.120, 578.150, 578.151, 578.152, 578.153, 578.154, 578.173, 578.176, 578.200, 578.205, 578.210, 578.215, 578.220, 578.225, 578.250, 578.255, 578.260, 578.265, 578.300, 578.305, 578.310, 578.315, 578.320, 578.325, 578.330, 578.350, 578.353, 578.360, 578.363, 578.365, 578.375, 578.377, 578.379, 578.381, 578.383, 578.385, 578.387, 578.389, 578.390, 578.405, 578.407, 578.409, 578.412, 578.414, 578.416, 578.418, 578.420, 578.421, 578.425, 578.430, 578.433, 578.437, 578.445, 578.450, 578.500, 578.501, 578.502, 578.503, 578.510, 578.520, 578.525, 578.530, 578.570, 578.614, 589.425, 610.125, 630.155, 630.165, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, and 701.320, RSMo, and to enact in lieu thereof seven hundred eight new sections for the sole purpose of restructuring the Missouri criminal code, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 32.057, 105.478, 115.631, 130.028, 130.031, 142.909, 142.911,  
 2 143.1001, 143.1003, 149.200, 168.071, 188.030, 190.621, 191.905, 191.914, 193.315, 194.410,  
 3 194.425, 195.005, 195.010, 195.015, 195.016, 195.017, 195.025, 195.030, 195.040, 195.050,  
 4 195.060, 195.080, 195.100, 195.110, 195.130, 195.135, 195.140, 195.150, 195.180, 195.190,  
 5 195.195, 195.198, 195.202, 195.204, 195.211, 195.212, 195.213, 195.214, 195.217, 195.218,  
 6 195.219, 195.222, 195.223, 195.226, 195.233, 195.235, 195.241, 195.242, 195.246, 195.248,  
 7 195.252, 195.254, 195.256, 195.275, 195.280, 195.285, 195.291, 195.292, 195.295, 195.296,  
 8 195.367, 195.369, 195.371, 195.375, 195.417, 195.418, 195.420, 195.501, 195.503, 195.505,  
 9 195.507, 195.509, 195.511, 195.515, 196.979, 197.266, 197.326, 198.015, 198.070, 198.097,

10 198.158, 205.965, 210.165, 214.410, 217.360, 217.385, 217.400, 217.405, 217.542, 217.543,  
11 217.692, 221.025, 221.111, 221.353, 252.235, 260.207, 260.208, 260.211, 260.212, 260.379,  
12 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395,  
13 301.390, 301.400, 301.401, 301.559, 301.640, 302.015, 302.020, 302.060, 302.321, 302.500,  
14 302.605, 302.700, 302.705, 302.710, 302.727, 302.745, 302.750, 302.755, 302.780, 303.024,  
15 303.025, 304.070, 306.110, 306.111, 306.112, 306.114, 306.116, 306.117, 306.118, 306.119,  
16 306.141, 306.420, 311.325, 313.004, 313.040, 313.290, 313.550, 313.660, 313.830, 317.018,  
17 320.089, 320.161, 324.1142, 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370, 354.320,  
18 362.170, 367.031, 367.045, 374.210, 374.216, 374.702, 374.757, 374.789, 375.310, 375.537,  
19 375.720, 375.786, 375.991, 375.1176, 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095,  
20 407.420, 407.436, 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287,  
21 411.371, 411.517, 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819,  
22 453.110, 455.085, 455.538, 476.055, 542.402, 544.665, 556.011, 556.016, 556.021, 556.022,  
23 556.026, 556.036, 556.037, 556.041, 556.046, 556.051, 556.056, 556.061, 556.063, 557.016,  
24 557.021, 557.026, 557.031, 557.035, 557.036, 557.041, 557.046, 558.011, 558.016, 558.018,  
25 558.019, 558.026, 558.031, 558.041, 558.046, 559.012, 559.021, 559.036, 559.100, 559.105,  
26 559.106, 559.107, 559.110, 559.115, 559.120, 559.125, 559.600, 559.604, 559.633, 560.011,  
27 560.016, 560.021, 560.026, 560.031, 560.036, 561.016, 561.021, 561.026, 562.011, 562.016,  
28 562.031, 562.036, 562.041, 562.051, 562.056, 562.061, 562.066, 562.071, 562.076, 562.086,  
29 563.021, 563.026, 563.033, 563.046, 563.051, 563.056, 563.061, 563.070, 564.011, 564.016,  
30 565.002, 565.004, 565.020, 565.021, 565.023, 565.024, 565.025, 565.030, 565.032, 565.035,  
31 565.040, 565.050, 565.060, 565.063, 565.065, 565.070, 565.072, 565.073, 565.074, 565.075,  
32 565.080, 565.081, 565.082, 565.083, 565.084, 565.085, 565.086, 565.090, 565.092, 565.095,  
33 565.100, 565.110, 565.115, 565.120, 565.130, 565.140, 565.149, 565.150, 565.153, 565.156,  
34 565.160, 565.163, 565.165, 565.169, 565.180, 565.182, 565.184, 565.186, 565.188, 565.190,  
35 565.200, 565.210, 565.212, 565.214, 565.216, 565.218, 565.220, 565.225, 565.250, 565.252,  
36 565.253, 565.255, 565.300, 565.350, 566.010, 566.013, 566.020, 566.023, 566.025, 566.030,  
37 566.032, 566.034, 566.040, 566.060, 566.062, 566.064, 566.067, 566.068, 566.070, 566.083,  
38 566.086, 566.090, 566.093, 566.095, 566.100, 566.111, 566.135, 566.140, 566.141, 566.145,  
39 566.147, 566.148, 566.149, 566.150, 566.151, 566.153, 566.155, 566.203, 566.206, 566.209,  
40 566.212, 566.213, 566.215, 566.218, 566.221, 566.224, 566.226, 566.265, 567.010, 567.020,  
41 567.030, 567.040, 567.050, 567.060, 567.070, 567.080, 567.085, 567.087, 567.110, 567.120,  
42 568.010, 568.020, 568.030, 568.032, 568.040, 568.045, 568.050, 568.052, 568.060, 568.065,  
43 568.070, 568.080, 568.090, 568.100, 568.110, 568.120, 568.175, 569.010, 569.020, 569.025,  
44 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.070, 569.072,  
45 569.080, 569.090, 569.094, 569.095, 569.097, 569.099, 569.100, 569.120, 569.130, 569.140,  
46 569.145, 569.150, 569.155, 569.160, 569.170, 569.180, 570.010, 570.020, 570.030, 570.033,  
47 570.040, 570.050, 570.055, 570.070, 570.080, 570.085, 570.087, 570.090, 570.100, 570.103,

48 570.110, 570.120, 570.123, 570.125, 570.130, 570.135, 570.140, 570.145, 570.150, 570.155,  
49 570.160, 570.170, 570.180, 570.190, 570.200, 570.210, 570.215, 570.217, 570.219, 570.220,  
50 570.222, 570.223, 570.224, 570.225, 570.226, 570.230, 570.235, 570.240, 570.241, 570.245,  
51 570.255, 570.300, 570.310, 570.380, 571.010, 571.014, 571.015, 571.017, 571.020, 571.030,  
52 571.045, 571.050, 571.060, 571.063, 571.070, 571.072, 571.080, 571.085, 571.087, 571.093,  
53 571.095, 571.101, 571.102, 571.104, 571.107, 571.111, 571.114, 571.117, 571.121, 571.150,  
54 572.010, 572.020, 572.030, 572.040, 572.050, 572.060, 572.070, 572.110, 572.120, 573.010,  
55 573.013, 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.050, 573.052,  
56 573.060, 573.065, 573.090, 573.100, 573.500, 573.509, 573.528, 573.531, 574.010, 574.020,  
57 574.030, 574.040, 574.050, 574.060, 574.070, 574.075, 574.085, 574.105, 574.115, 575.020,  
58 575.021, 575.030, 575.040, 575.050, 575.060, 575.070, 575.080, 575.090, 575.100, 575.110,  
59 575.120, 575.130, 575.145, 575.150, 575.153, 575.159, 575.160, 575.170, 575.180, 575.190,  
60 575.195, 575.200, 575.205, 575.206, 575.210, 575.220, 575.230, 575.240, 575.250, 575.260,  
61 575.270, 575.280, 575.290, 575.300, 575.310, 575.320, 575.350, 575.353, 576.010, 576.020,  
62 576.030, 576.040, 576.050, 576.060, 576.070, 576.080, 577.001, 577.005, 577.006, 577.010,  
63 577.012, 577.017, 577.019, 577.020, 577.021, 577.023, 577.026, 577.029, 577.031, 577.037,  
64 577.039, 577.041, 577.049, 577.051, 577.052, 577.054, 577.060, 577.065, 577.068, 577.070,  
65 577.071, 577.073, 577.075, 577.076, 577.080, 577.090, 577.100, 577.105, 577.110, 577.150,  
66 577.155, 577.160, 577.161, 577.201, 577.203, 577.206, 577.208, 577.211, 577.214, 577.217,  
67 577.221, 577.500, 577.505, 577.510, 577.515, 577.520, 577.525, 577.530, 577.600, 577.602,  
68 577.604, 577.606, 577.608, 577.610, 577.612, 577.614, 577.625, 577.628, 577.675, 577.680,  
69 578.008, 578.009, 578.012, 578.018, 578.021, 578.023, 578.024, 578.025, 578.027, 578.028,  
70 578.029, 578.030, 578.050, 578.075, 578.095, 578.100, 578.105, 578.106, 578.110, 578.120,  
71 578.150, 578.151, 578.152, 578.153, 578.154, 578.173, 578.176, 578.200, 578.205, 578.210,  
72 578.215, 578.220, 578.225, 578.250, 578.255, 578.260, 578.265, 578.300, 578.305, 578.310,  
73 578.315, 578.320, 578.325, 578.330, 578.350, 578.353, 578.360, 578.363, 578.365, 578.375,  
74 578.377, 578.379, 578.381, 578.383, 578.385, 578.387, 578.389, 578.390, 578.405, 578.407,  
75 578.409, 578.412, 578.414, 578.416, 578.418, 578.420, 578.421, 578.425, 578.430, 578.433,  
76 578.437, 578.445, 578.450, 578.500, 578.501, 578.502, 578.503, 578.510, 578.520, 578.525,  
77 578.530, 578.570, 578.614, 589.425, 610.125, 630.155, 630.165, 660.250, 660.255, 660.260,  
78 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300,  
79 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, and 701.320, RSMo, are repealed and  
80 seven hundred eight new sections enacted in lieu thereof, to be known as sections 27.105,  
81 27.110, 32.057, 43.544, 105.478, 115.631, 130.028, 130.031, 142.909, 142.911, 143.1001,  
82 143.1003, 149.200, 168.071, 188.030, 190.621, 191.905, 191.914, 193.315, 194.410, 194.425,  
83 195.005, 195.010, 195.015, 195.016, 195.017, 195.030, 195.040, 195.050, 195.060, 195.080,  
84 195.100, 195.140, 195.150, 195.190, 195.195, 195.198, 195.375, 195.417, 195.418, 196.979,  
85 197.266, 197.326, 197.1000, 197.1002, 197.1004, 197.1006, 197.1008, 197.1010, 197.1012,

86 197.1014, 197.1016, 197.1018, 197.1020, 197.1022, 197.1024, 197.1026, 197.1028, 197.1030,  
87 197.1032, 197.1034, 197.1036, 197.1038, 197.1040, 197.1042, 198.015, 198.070, 198.097,  
88 198.158, 205.965, 210.165, 214.410, 217.360, 217.385, 217.400, 217.405, 217.542, 217.543,  
89 217.692, 221.025, 221.111, 221.353, 252.235, 260.207, 260.208, 260.211, 260.212, 260.379,  
90 270.260, 276.421, 276.536, 277.180, 285.306, 285.308, 287.128, 287.129, 288.250, 288.395,  
91 301.390, 301.400, 301.401, 301.559, 301.640, 302.015, 302.020, 302.060, 302.321, 302.400,  
92 302.405, 302.410, 302.415, 302.420, 302.425, 302.426, 302.440, 302.442, 302.454, 302.456,  
93 302.458, 302.460, 302.462, 302.500, 302.574, 302.580, 302.584, 302.592, 302.605, 302.700,  
94 302.705, 302.710, 302.727, 302.745, 302.750, 302.755, 302.780, 303.024, 303.025, 304.070,  
95 305.125, 305.126, 306.110, 306.111, 306.420, 311.315, 311.325, 313.004, 313.040, 313.290,  
96 313.550, 313.660, 313.830, 317.018, 319.1000, 319.1005, 319.1007, 319.1010, 319.1025,  
97 319.1028, 319.1031, 319.1034, 319.1037, 319.1040, 319.1043, 320.089, 320.161, 324.1142,  
98 324.1148, 334.250, 335.096, 338.195, 338.315, 338.370, 351.493, 354.320, 362.170, 367.031,  
99 367.045, 374.210, 374.216, 374.702, 374.757, 374.789, 375.310, 375.537, 375.720, 375.786,  
100 375.991, 375.1176, 375.1287, 380.391, 382.275, 389.653, 407.020, 407.095, 407.420, 407.436,  
101 407.521, 407.536, 407.544, 407.740, 407.1082, 407.1252, 411.260, 411.287, 411.371, 411.517,  
102 411.770, 413.229, 429.012, 429.013, 429.014, 436.485, 443.810, 443.819, 453.110, 455.085,  
103 455.538, 476.055, 479.172, 513.660, 537.123, 537.127, 542.402, 542.425, 544.216, 544.472,  
104 544.665, 545.940, 556.011, 556.021, 556.026, 556.036, 556.037, 556.038, 556.041, 556.046,  
105 556.061, 556.101, 557.016, 557.021, 557.026, 557.031, 557.035, 557.036, 557.051, 558.002,  
106 558.004, 558.006, 558.008, 558.011, 558.016, 558.019, 558.026, 558.031, 558.041, 558.046,  
107 559.012, 559.021, 559.036, 559.100, 559.105, 559.106, 559.107, 559.110, 559.115, 559.120,  
108 559.125, 559.600, 559.604, 559.633, 561.016, 561.021, 561.026, 562.011, 562.012, 562.014,  
109 562.016, 562.031, 562.036, 562.041, 562.051, 562.056, 562.061, 562.066, 562.071, 562.076,  
110 562.086, 563.021, 563.026, 563.033, 563.046, 563.051, 563.056, 563.061, 563.070, 565.002,  
111 565.004, 565.010, 565.020, 565.021, 565.023, 565.024, 565.027, 565.029, 565.030, 565.032,  
112 565.035, 565.040, 565.050, 565.052, 565.054, 565.056, 565.072, 565.073, 565.074, 565.076,  
113 565.079, 565.090, 565.091, 565.110, 565.115, 565.120, 565.130, 565.140, 565.150, 565.153,  
114 565.156, 565.160, 565.163, 565.184, 565.188, 565.189, 565.218, 565.222, 565.225, 565.227,  
115 565.240, 565.252, 565.300, 566.010, 566.020, 566.023, 566.030, 566.031, 566.032, 566.034,  
116 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086,  
117 566.090, 566.093, 566.095, 566.100, 566.111, 566.115, 566.116, 566.125, 566.145, 566.147,  
118 566.148, 566.149, 566.150, 566.151, 566.153, 566.155, 566.203, 566.206, 566.209, 566.210,  
119 566.211, 566.215, 566.218, 567.010, 567.020, 567.030, 567.050, 567.060, 567.070, 567.080,  
120 567.085, 567.087, 567.110, 567.120, 568.010, 568.020, 568.030, 568.032, 568.040, 568.045,  
121 568.050, 568.060, 568.065, 568.070, 568.175, 569.010, 569.040, 569.050, 569.053, 569.055,  
122 569.060, 569.065, 569.075, 569.080, 569.090, 569.095, 569.097, 569.099, 569.100, 569.120,  
123 569.130, 569.132, 569.135, 569.137, 569.140, 569.145, 569.150, 569.155, 569.160, 569.170,

124 569.180, 570.010, 570.020, 570.023, 570.025, 570.030, 570.039, 570.053, 570.057, 570.070,  
125 570.085, 570.090, 570.100, 570.103, 570.110, 570.120, 570.125, 570.130, 570.135, 570.140,  
126 570.145, 570.150, 570.180, 570.217, 570.219, 570.220, 570.223, 570.224, 570.225, 570.300,  
127 570.302, 570.310, 570.350, 570.375, 570.380, 570.400, 570.402, 570.404, 570.406, 570.408,  
128 570.410, 571.010, 571.014, 571.015, 571.020, 571.031, 571.033, 571.034, 571.036, 571.038,  
129 571.041, 571.042, 571.043, 571.044, 571.045, 571.050, 571.060, 571.063, 571.070, 571.150,  
130 572.010, 572.015, 572.020, 572.030, 572.040, 572.050, 572.060, 572.070, 573.010, 573.020,  
131 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.050, 573.052, 573.060, 573.065,  
132 573.090, 573.100, 573.200, 573.205, 573.215, 573.509, 573.531, 574.005, 574.010, 574.020,  
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136 575.145, 575.150, 575.153, 575.155, 575.157, 575.159, 575.160, 575.170, 575.180, 575.190,  
137 575.195, 575.200, 575.205, 575.206, 575.210, 575.220, 575.230, 575.240, 575.250, 575.260,  
138 575.270, 575.280, 575.290, 575.300, 575.310, 575.320, 575.353, 576.010, 576.020, 576.030,  
139 576.040, 576.050, 576.060, 576.070, 576.080, 577.001, 577.010, 577.012, 577.013, 577.014,  
140 577.015, 577.016, 577.017, 577.019, 577.020, 577.021, 577.023, 577.029, 577.031, 577.037,  
141 577.041, 577.060, 577.068, 577.070, 577.073, 577.075, 577.076, 577.078, 577.080, 577.100,  
142 577.150, 577.155, 577.161, 577.300, 577.599, 577.600, 577.605, 577.612, 577.675, 577.700,  
143 577.703, 577.706, 577.709, 577.712, 577.715, 577.718, 578.009, 578.012, 578.018, 578.021,  
144 578.023, 578.024, 578.025, 578.027, 578.028, 578.029, 578.030, 578.050, 578.095, 578.100,  
145 578.151, 578.152, 578.153, 578.173, 578.176, 578.350, 578.365, 578.398, 578.399, 578.405,  
146 578.421, 578.425, 578.430, 578.437, 578.475, 578.520, 578.525, 578.614, 579.015, 579.020,  
147 579.030, 579.040, 579.045, 579.050, 579.055, 579.060, 579.065, 579.068, 579.070, 579.072,  
148 579.074, 579.076, 579.078, 579.080, 579.082, 579.084, 579.086, 579.090, 579.095, 579.097,  
149 579.099, 579.101, 579.103, 579.105, 579.107, 579.110, 579.115, 579.150, 579.155, 579.170,  
150 579.175, 579.180, 579.185, 589.425, 595.223, 595.226, 595.229, 595.232, 610.125, 610.130,  
151 630.155, 630.161, 630.162, 630.164, 630.165, 650.150, 650.153, 650.156, 650.159, 650.161,  
152 650.165, and 701.320, to read as follows:

[572.110.] **27.105.** [It shall be the duty of the circuit attorneys and prosecuting attorneys  
2 in their respective jurisdictions to enforce the provisions of this chapter, and] The attorney  
3 general shall have a concurrent duty to enforce the provisions of [this] chapter **572.**

[578.390.] **27.110.** The office of the attorney general shall establish and maintain a  
2 statewide toll-free telephone service which shall be operated on a sixteen-hour schedule during  
3 the work week and an eight-hour schedule on weekends and holidays to receive complaints of  
4 [a] suspected welfare fraud. This service shall receive reports over a single statewide toll-free  
5 number.

32.057. 1. Except as otherwise specifically provided by law, it shall be unlawful for the  
2 director of revenue, any officer, employee, agent or deputy or former director, officer, employee,  
3 agent or deputy of the department of revenue, any person engaged or retained by the department  
4 of revenue on an independent contract basis, any person to whom authorized or unauthorized  
5 disclosure is made by the department of revenue, or any person who lawfully or unlawfully  
6 inspects any report or return filed with the department of revenue or to whom a copy, an abstract  
7 or a portion of any report or return is furnished by the department of revenue to make known in  
8 any manner, to permit the inspection or use of or to divulge to anyone any information relative  
9 to any such report or return, any information obtained by an investigation conducted by the  
10 department in the discharge of official duty, or any information received by the director in  
11 cooperation with the United States or other states in the enforcement of the revenue laws of this  
12 state. Such confidential information is limited to information received by the department in  
13 connection with the administration of the tax laws of this state.

14 2. Nothing in this section shall be construed to prohibit:

15 (1) The disclosure of information, returns, reports, or facts shown thereby, as described  
16 in subsection 1 of this section, by any officer, clerk or other employee of the department of  
17 revenue charged with the custody of such information:

18 (a) To a taxpayer or the taxpayer's duly authorized representative under regulations  
19 which the director of revenue may prescribe;

20 (b) In any action or proceeding, civil, criminal or mixed, brought to enforce the revenue  
21 laws of this state;

22 (c) To the state auditor or the auditor's duly authorized employees as required by  
23 subsection 4 of this section;

24 (d) To any city officer designated by ordinance of a city within this state to collect a city  
25 earnings tax, upon written request of such officer, which request states that the request is made  
26 for the purpose of determining or enforcing compliance with such city earnings tax ordinance  
27 and provided that such information disclosed shall be limited to that sufficient to identify the  
28 taxpayer, and further provided that in no event shall any information be disclosed that will result  
29 in the department of revenue being denied such information by the United States or any other  
30 state. The city officer requesting the identity of taxpayers filing state returns but not paying city  
31 earnings tax shall furnish to the director of revenue a list of taxpayers paying such earnings tax,  
32 and the director shall compare the list submitted with the director's records and return to such  
33 city official the name and address of any taxpayer who is a resident of such city who has filed  
34 a state tax return but who does not appear on the list furnished by such city. The director of  
35 revenue may set a fee to reimburse the department for the costs reasonably incurred in providing  
36 this information;

37 (e) To any employee of any county or other political subdivision imposing a sales tax  
38 which is administered by the state department of revenue whose office is authorized by the



39 governing body of the county or other political subdivision to receive any and all records of the  
40 state director of revenue pertaining to the administration, collection and enforcement of its sales  
41 tax. The request for sales tax records and reports shall include a description of the type of report  
42 requested, the media form including electronic transfer, computer tape or disk, or printed form,  
43 and the frequency desired. The request shall be made by annual written application and shall be  
44 filed with the director of revenue. The director of revenue may set a fee to reimburse the  
45 department for the costs reasonably incurred in providing this information. Such city or county  
46 or any employee thereof shall be subject to the same standards for confidentiality as required for  
47 the department of revenue in using the information contained in the reports;

48 (f) To the director of the department of economic development or the director's duly  
49 authorized employees in discharging the director's official duties to certify taxpayers eligibility  
50 to claim state tax credits as prescribed by statutes;

51 (g) To any employee of any political subdivision, such records of the director of revenue  
52 pertaining to the administration, collection and enforcement of the tax imposed in chapter 149  
53 as are necessary for ensuring compliance with any cigarette or tobacco tax imposed by such  
54 political subdivision. The request for such records shall be made in writing to the director of  
55 revenue, and shall include a description of the type of information requested and the desired  
56 frequency. The director of revenue may charge a fee to reimburse the department for costs  
57 reasonably incurred in providing such information;

58 (2) The publication by the director of revenue or of the state auditor in the audit reports  
59 relating to the department of revenue of:

60 (a) Statistics, statements or explanations so classified as to prevent the identification of  
61 any taxpayer or of any particular reports or returns and the items thereof;

62 (b) The names and addresses without any additional information of persons who filed  
63 returns and of persons whose tax refund checks have been returned undelivered by the United  
64 States Post Office;

65 (3) The director of revenue from permitting the Secretary of the Treasury of the United  
66 States or the Secretary's delegates, the proper officer of any state of the United States imposing  
67 a tax equivalent to any of the taxes administered by the department of revenue of the state of  
68 Missouri or the appropriate representative of the multistate tax commission to inspect any return  
69 or report required by the respective tax provision of this state, or may furnish to such officer an  
70 abstract of the return or report or supply the officer with information contained in the return or  
71 disclosed by the report of any authorized investigation. Such permission, however, shall be  
72 granted on condition that the corresponding revenue statute of the United States or of such other  
73 state, as the case may be, grants substantially similar privileges to the director of revenue and on  
74 further condition that such corresponding statute gives confidential status to the material with  
75 which it is concerned;

76 (4) The disclosure of information, returns, reports, or facts shown thereby, by any person  
77 on behalf of the director of revenue, in any action or proceeding to which the director is a party  
78 or on behalf of any party to any action or proceeding pursuant to the revenue laws of this state  
79 when such information is directly involved in the action or proceeding, in either of which events  
80 the court may require the production of, and may admit in evidence, so much of such information  
81 as is pertinent to the action or proceeding and no more;

82 (5) The disclosure of information, returns, reports, or facts shown thereby, by any person  
83 to a state or federal prosecuting official, including, but not limited to, the state and federal  
84 attorneys general, or the official's designees involved in any criminal, quasi-criminal, or civil  
85 investigation, action or proceeding pursuant to the laws of this state or of the United States when  
86 such information is pertinent to an investigation, action or proceeding involving the  
87 administration of the revenue laws or duties of public office or employment connected therewith;

88 (6) Any school district from obtaining the aggregate amount of the financial institution  
89 tax paid pursuant to chapter 148 by financial institutions located partially or exclusively within  
90 the school district's boundaries, provided that the school district request such disclosure in  
91 writing to the department of revenue;

92 (7) The disclosure of records which identify all companies licensed by this state pursuant  
93 to the provisions of subsections 1 and 2 of section 149.035. The director of revenue may charge  
94 a fee to reimburse the department for the costs reasonably incurred in providing such records;

95 (8) The disclosure to the commissioner of administration pursuant to section 34.040 of  
96 a list of vendors and their affiliates who meet the conditions of section 144.635, but refuse to  
97 collect the use tax levied pursuant to chapter 144 on their sales delivered to this state;

98 (9) The disclosure to the public of any information, or facts shown thereby regarding the  
99 claiming of a state tax credit by a member of the Missouri general assembly or any statewide  
100 elected public official.

101 3. Any person violating any provision of subsection 1 or 2 of this section shall, upon  
102 conviction, be guilty of a class [D] E felony.

103 4. The state auditor or the auditor's duly authorized employees who have taken the oath  
104 of confidentiality required by section 29.070 shall have the right to inspect any report or return  
105 filed with the department of revenue if such inspection is related to and for the purpose of  
106 auditing the department of revenue; except that, the state auditor or the auditor's duly authorized  
107 employees shall have no greater right of access to, use and publication of information, audit and  
108 related activities with respect to income tax information obtained by the department of revenue  
109 pursuant to chapter 143 or federal statute than specifically exists pursuant to the laws of the  
110 United States and of the income tax laws of the state of Missouri.

[577.005.] **43.544.** 1. Each law enforcement agency shall adopt a policy requiring arrest  
2 information for all intoxication-related traffic offenses be forwarded to the central repository as

3 required by section 43.503 and shall certify adoption of such policy when applying for any grants  
4 administered by the department of public safety.

5       2. Each county prosecuting attorney and municipal prosecutor shall adopt a policy  
6 requiring charge information for all intoxication-related traffic offenses be forwarded to the  
7 central repository as required by section 43.503 and shall certify adoption of such policy when  
8 applying for any grants administered by the department of public safety.

9       3. Effective January 1, 2011, the highway patrol shall, based on the data submitted,  
10 maintain regular accountability reports of intoxication-related traffic offense arrests, charges, and  
11 dispositions.

105.478. Any person guilty of knowingly violating any of the provisions of sections  
2 105.450 to 105.498 shall be punished as follows:

3       (1) For the first offense, such person is guilty of a class B misdemeanor;

4       (2) For the second and subsequent offenses, such person is guilty of a class [D] E felony.

115.631. The following offenses, and any others specifically so described by law, shall  
2 be class one election offenses and are deemed felonies connected with the exercise of the right  
3 of suffrage. Conviction for any of these offenses shall be punished by imprisonment of not more  
4 than five years or by fine of not less than two thousand five hundred dollars but not more than  
5 ten thousand dollars or by both such imprisonment and fine:

6       (1) Willfully and falsely making any certificate, affidavit, or statement required to be  
7 made pursuant to any provision of sections 115.001 to 115.641 and sections 51.450 and 51.460,  
8 including but not limited to statements specifically required to be made "under penalty of  
9 perjury"; or in any other manner knowingly furnishing false information to an election authority  
10 or election official engaged in any lawful duty or action in such a way as to hinder or mislead the  
11 authority or official in the performance of official duties. If an individual willfully and falsely  
12 makes any certificate, affidavit, or statement required to be made under section 115.155,  
13 including but not limited to statements specifically required to be made "under penalty of  
14 perjury", such individual shall be guilty of a class [C] D felony;

15       (2) Voting more than once or voting at any election knowing that the person is not  
16 entitled to vote or that the person has already voted on the same day at another location inside  
17 or outside the state of Missouri;

18       (3) Procuring any person to vote knowing the person is not lawfully entitled to vote or  
19 knowingly procuring an illegal vote to be cast at any election;

20       (4) Applying for a ballot in the name of any other person, whether the name be that of  
21 a person living or dead or of a fictitious person, or applying for a ballot in his own or any other  
22 name after having once voted at the election inside or outside the state of Missouri;

23       (5) Aiding, abetting or advising another person to vote knowing the person is not legally  
24 entitled to vote or knowingly aiding, abetting or advising another person to cast an illegal vote;

25 (6) An election judge knowingly causing or permitting any ballot to be in the ballot box  
26 at the opening of the polls and before the voting commences;

27 (7) Knowingly furnishing any voter with a false or fraudulent or bogus ballot, or  
28 knowingly practicing any fraud upon a voter to induce him to cast a vote which will be rejected,  
29 or otherwise defrauding him of his vote;

30 (8) An election judge knowingly placing or attempting to place or permitting any ballot,  
31 or paper having the semblance of a ballot, to be placed in a ballot box at any election unless the  
32 ballot is offered by a qualified voter as provided by law;

33 (9) Knowingly placing or attempting to place or causing to be placed any false or  
34 fraudulent or bogus ballot in a ballot box at any election;

35 (10) Knowingly removing any legal ballot from a ballot box for the purpose of changing  
36 the true and lawful count of any election or in any other manner knowingly changing the true and  
37 lawful count of any election;

38 (11) Knowingly altering, defacing, damaging, destroying or concealing any ballot after  
39 it has been voted for the purpose of changing the lawful count of any election;

40 (12) Knowingly altering, defacing, damaging, destroying or concealing any poll list,  
41 report, affidavit, return or certificate for the purpose of changing the lawful count of any election;

42 (13) On the part of any person authorized to receive, tally or count a poll list, tally sheet  
43 or election return, receiving, tallying or counting a poll list, tally sheet or election return the  
44 person knows is fraudulent, forged or counterfeit, or knowingly making an incorrect account of  
45 any election;

46 (14) On the part of any person whose duty it is to grant certificates of election, or in any  
47 manner declare the result of an election, granting a certificate to a person the person knows is not  
48 entitled to receive the certificate, or declaring any election result the person knows is based upon  
49 fraudulent, fictitious or illegal votes or returns;

50 (15) Willfully destroying or damaging any official ballots, whether marked or unmarked,  
51 after the ballots have been prepared for use at an election and during the time they are required  
52 by law to be preserved in the custody of the election judges or the election authority;

53 (16) Willfully tampering with, disarranging, altering the information on, defacing,  
54 impairing or destroying any voting machine or marking device after the machine or marking  
55 device has been prepared for use at an election and during the time it is required by law to remain  
56 locked and sealed with intent to impair the functioning of the machine or marking device at an  
57 election, mislead any voter at the election, or to destroy or change the count or record of votes  
58 on such machine;

59 (17) Registering to vote knowing the person is not legally entitled to register or  
60 registering in the name of another person, whether the name be that of a person living or dead  
61 or of a fictitious person;

62 (18) Procuring any other person to register knowing the person is not legally entitled to  
63 register, or aiding, abetting or advising another person to register knowing the person is not  
64 legally entitled to register;

65 (19) Knowingly preparing, altering or substituting any computer program or other  
66 counting equipment to give an untrue or unlawful result of an election;

67 (20) On the part of any person assisting a blind or disabled person to vote, knowingly  
68 failing to cast such person's vote as such person directs;

69 (21) On the part of any registration or election official, permitting any person to register  
70 to vote or to vote when such official knows the person is not legally entitled to register or not  
71 legally entitled to vote;

72 (22) On the part of a notary public acting in his official capacity, knowingly violating  
73 any of the provisions of sections 115.001 to 115.627 or any provision of law pertaining to  
74 elections;

75 (23) Violation of any of the provisions of sections 115.275 to 115.303, or of any  
76 provision of law pertaining to absentee voting;

77 (24) Assisting a person to vote knowing such person is not legally entitled to such  
78 assistance, or while assisting a person to vote who is legally entitled to such assistance, in any  
79 manner coercing, requesting or suggesting that the voter vote for or against, or refrain from  
80 voting on any question, ticket or candidate;

81 (25) Engaging in any act of violence, destruction of property having a value of five  
82 hundred dollars or more, or threatening an act of violence with the intent of denying a person's  
83 lawful right to vote or to participate in the election process; and

84 (26) Knowingly providing false information about election procedures for the purpose  
85 of preventing any person from going to the polls.

130.028. 1. Every person, labor organization, or corporation organized or existing by  
2 virtue of the laws of this state, or doing business in this state who shall:

3 (1) Discriminate or threaten to discriminate against any member in this state with respect  
4 to his **or her** membership, or discharge or discriminate or threaten to discriminate against any  
5 employee in this state, with respect to his **or her** compensation, terms, conditions or privileges  
6 of employment by reason of his political beliefs or opinions; or

7 (2) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or  
8 refrain from voting for any candidate at any election in this state; or

9 (3) Coerce or attempt to coerce, intimidate or bribe any member or employee to vote or  
10 refrain from voting for any issue at any election in this state; or

11 (4) Make any member or employee as a condition of membership or employment,  
12 contribute to any candidate, political committee or separate political fund; or

13 (5) Discriminate or threaten to discriminate against any member or employee in this state  
14 for contributing or refusing to contribute to any candidate, political committee or separate

15 political fund with respect to the privileges of membership or with respect to his employment  
16 and the compensation, terms, conditions or privileges related thereto shall be guilty of a  
17 misdemeanor, and upon conviction thereof be punished by a fine of not more than five thousand  
18 dollars and confinement for not more than six months, or both, provided, after January 1, 1979,  
19 the violation of this subsection shall be a class [D] E felony.

20 2. No employer, corporation, political action committee, or labor organization shall  
21 receive or cause to be made contributions from its members or employees except on the advance  
22 voluntary permission of the members or employees. Violation of this section by the corporation,  
23 employer, political action committee or labor organization shall be a class A misdemeanor.

24 3. An employer shall, upon written request by ten or more employees, provide its  
25 employees with the option of contributing to a political action committee as defined in section  
26 130.011 through payroll deduction, if the employer has a system of payroll deduction. No  
27 contribution to a political action committee from an employee through payroll deduction shall  
28 be made other than to a political action committee voluntarily chosen by the employee.  
29 Violation of this section shall be a class A misdemeanor.

30 4. Any person aggrieved by any act prohibited by this section shall, in addition to any  
31 other remedy provided by law, be entitled to maintain within one year from the date of the  
32 prohibited act, a civil action in the courts of this state, and if successful, he **or she** shall be  
33 awarded civil damages of not less than one hundred dollars and not more than one thousand  
34 dollars, together with his **or her** costs, including reasonable attorney's fees. Each violation shall  
35 be a separate cause of action.

130.031. 1. No contribution of cash in an amount of more than one hundred dollars shall  
2 be made by or accepted from any single contributor for any election by a political action  
3 committee, a campaign committee, a political party committee, an exploratory committee or a  
4 candidate committee.

5 2. Except for expenditures from a petty cash fund which is established and maintained  
6 by withdrawals of funds from the committee's depository account and with records maintained  
7 pursuant to the record-keeping requirements of section 130.036 to account for expenditures made  
8 from petty cash, each expenditure of more than fifty dollars, except an in-kind expenditure, shall  
9 be made by check drawn on the committee's depository and signed by the committee treasurer,  
10 deputy treasurer or candidate. A single expenditure from a petty cash fund shall not exceed fifty  
11 dollars, and the aggregate of all expenditures from a petty cash fund during a calendar year shall  
12 not exceed the lesser of five thousand dollars or ten percent of all expenditures made by the  
13 committee during that calendar year. A check made payable to "cash" shall not be made except  
14 to replenish a petty cash fund.

15 3. No contribution shall be made or accepted and no expenditure shall be made or  
16 incurred, directly or indirectly, in a fictitious name, in the name of another person, or by or  
17 through another person in such a manner as to conceal the identity of the actual source of the

18 contribution or the actual recipient and purpose of the expenditure. Any person who receives  
19 contributions for a committee shall disclose to that committee's treasurer, deputy treasurer or  
20 candidate the recipient's own name and address and the name and address of the actual source  
21 of each contribution such person has received for that committee. Any person who makes  
22 expenditures for a committee shall disclose to that committee's treasurer, deputy treasurer or  
23 candidate such person's own name and address, the name and address of each person to whom  
24 an expenditure has been made and the amount and purpose of the expenditures the person has  
25 made for that committee.

26         4. No anonymous contribution of more than twenty-five dollars shall be made by any  
27 person, and no anonymous contribution of more than twenty-five dollars shall be accepted by any  
28 candidate or committee. If any anonymous contribution of more than twenty-five dollars is  
29 received, it shall be returned immediately to the contributor, if the contributor's identity can be  
30 ascertained, and if the contributor's identity cannot be ascertained, the candidate, committee  
31 treasurer or deputy treasurer shall immediately transmit that portion of the contribution which  
32 exceeds twenty-five dollars to the state treasurer and it shall escheat to the state.

33         5. The maximum aggregate amount of anonymous contributions which shall be accepted  
34 in any calendar year by any committee shall be the greater of five hundred dollars or one percent  
35 of the aggregate amount of all contributions received by that committee in the same calendar  
36 year. If any anonymous contribution is received which causes the aggregate total of anonymous  
37 contributions to exceed the foregoing limitation, it shall be returned immediately to the  
38 contributor, if the contributor's identity can be ascertained, and, if the contributor's identity  
39 cannot be ascertained, the committee treasurer, deputy treasurer or candidate shall immediately  
40 transmit the anonymous contribution to the state treasurer to escheat to the state.

41         6. Notwithstanding the provisions of subsection 5 of this section, contributions from  
42 individuals whose names and addresses cannot be ascertained which are received from a  
43 fund-raising activity or event, such as defined in section 130.011, shall not be deemed  
44 anonymous contributions, provided the following conditions are met:

45         (1) There are twenty-five or more contributing participants in the activity or event;

46         (2) The candidate, committee treasurer, deputy treasurer or the person responsible for  
47 conducting the activity or event makes an announcement that it is illegal for anyone to make or  
48 receive a contribution in excess of one hundred dollars unless the contribution is accompanied  
49 by the name and address of the contributor;

50         (3) The person responsible for conducting the activity or event does not knowingly  
51 accept payment from any single person of more than one hundred dollars unless the name and  
52 address of the person making such payment is obtained and recorded pursuant to the  
53 record-keeping requirements of section 130.036;

54         (4) A statement describing the event shall be prepared by the candidate or the treasurer  
55 of the committee for whom the funds were raised or by the person responsible for conducting the

56 activity or event and attached to the disclosure report of contributions and expenditures required  
57 by section 130.041. The following information to be listed in the statement is in addition to, not  
58 in lieu of, the requirements elsewhere in this chapter relating to the recording and reporting of  
59 contributions and expenditures:

60 (a) The name and mailing address of the person or persons responsible for conducting  
61 the event or activity and the name and address of the candidate or committee for whom the funds  
62 were raised;

63 (b) The date on which the event occurred;

64 (c) The name and address of the location where the event occurred and the approximate  
65 number of participants in the event;

66 (d) A brief description of the type of event and the fund-raising methods used;

67 (e) The gross receipts from the event and a listing of the expenditures incident to the  
68 event;

69 (f) The total dollar amount of contributions received from the event from participants  
70 whose names and addresses were not obtained with such contributions and an explanation of  
71 why it was not possible to obtain the names and addresses of such participants;

72 (g) The total dollar amount of contributions received from contributing participants in  
73 the event who are identified by name and address in the records required to be maintained  
74 pursuant to section 130.036.

75 7. No candidate or committee in this state shall accept contributions from any  
76 out-of-state committee unless the out-of-state committee from whom the contributions are  
77 received has filed a statement of organization pursuant to section 130.021 or has filed the reports  
78 required by sections 130.049 and 130.050, whichever is applicable to that committee.

79 8. Any person publishing, circulating, or distributing any printed matter relative to any  
80 candidate for public office or any ballot measure shall on the face of the printed matter identify  
81 in a clear and conspicuous manner the person who paid for the printed matter with the words  
82 "Paid for by" followed by the proper identification of the sponsor pursuant to this section. For  
83 the purposes of this section, "printed matter" shall be defined to include any pamphlet, circular,  
84 handbill, sample ballot, advertisement, including advertisements in any newspaper or other  
85 periodical, sign, including signs for display on motor vehicles, or other imprinted or lettered  
86 material; but "printed matter" is defined to exclude materials printed and purchased prior to May  
87 20, 1982, if the candidate or committee can document that delivery took place prior to May 20,  
88 1982; any sign personally printed and constructed by an individual without compensation from  
89 any other person and displayed at that individual's place of residence or on that individual's  
90 personal motor vehicle; any items of personal use given away or sold, such as campaign buttons,  
91 pins, pens, pencils, book matches, campaign jewelry, or clothing, which is paid for by a  
92 candidate or committee which supports a candidate or supports or opposes a ballot measure and  
93 which is obvious in its identification with a specific candidate or committee and is reported as



94 required by this chapter; and any news story, commentary, or editorial printed by a regularly  
95 published newspaper or other periodical without charge to a candidate, committee or any other  
96 person.

97 (1) In regard to any printed matter paid for by a candidate from the candidate's personal  
98 funds, it shall be sufficient identification to print the first and last name by which the candidate  
99 is known.

100 (2) In regard to any printed matter paid for by a committee, it shall be sufficient  
101 identification to print the name of the committee as required to be registered by subsection 5 of  
102 section 130.021 and the name and title of the committee treasurer who was serving when the  
103 printed matter was paid for.

104 (3) In regard to any printed matter paid for by a corporation or other business entity,  
105 labor organization, or any other organization not defined to be a committee by subdivision (9)  
106 of section 130.011 and not organized especially for influencing one or more elections, it shall  
107 be sufficient identification to print the name of the entity, the name of the principal officer of the  
108 entity, by whatever title known, and the mailing address of the entity, or if the entity has no  
109 mailing address, the mailing address of the principal officer.

110 (4) In regard to any printed matter paid for by an individual or individuals, it shall be  
111 sufficient identification to print the name of the individual or individuals and the respective  
112 mailing address or addresses, except that if more than five individuals join in paying for printed  
113 matter it shall be sufficient identification to print the words "For a list of other sponsors contact:"  
114 followed by the name and address of one such individual responsible for causing the matter to  
115 be printed, and the individual identified shall maintain a record of the names and amounts paid  
116 by other individuals and shall make such record available for review upon the request of any  
117 person. No person shall accept for publication or printing nor shall such work be completed until  
118 the printed matter is properly identified as required by this subsection.

119 9. Any broadcast station transmitting any matter relative to any candidate for public  
120 office or ballot measure as defined by this chapter shall identify the sponsor of such matter as  
121 required by federal law.

122 10. The provisions of subsection 8 or 9 of this section shall not apply to candidates for  
123 elective federal office, provided that persons causing matter to be printed or broadcast  
124 concerning such candidacies shall comply with the requirements of federal law for identification  
125 of the sponsor or sponsors.

126 11. It shall be a violation of this chapter for any person required to be identified as  
127 paying for printed matter pursuant to subsection 8 of this section or paying for broadcast matter  
128 pursuant to subsection 9 of this section to refuse to provide the information required or to  
129 purposely provide false, misleading, or incomplete information.

130 12. It shall be a violation of this chapter for any committee to offer chances to win prizes  
131 or money to persons to encourage such persons to endorse, send election material by mail,

132 deliver election material in person or contact persons at their homes; except that, the provisions  
133 of this subsection shall not be construed to prohibit hiring and paying a campaign staff.

134       13. Political action committees shall only receive contributions from individuals; unions;  
135 federal political action committees; and corporations, associations, and partnerships formed  
136 under chapters 347 to 360, and shall be prohibited from receiving contributions from other  
137 political action committees, candidate committees, political party committees, campaign  
138 committees, exploratory committees, or debt service committees. However, candidate  
139 committees, political party committees, campaign committees, exploratory committees, and debt  
140 service committees shall be allowed to return contributions to a donor political action committee  
141 that is the origin of the contribution.

142       14. The prohibited committee transfers described in subsection 13 of this section shall  
143 not apply to the following committees:

144       (1) The state house committee per political party designated by the respective majority  
145 or minority floor leader of the house of representatives or the chair of the state party if the party  
146 does not have majority or minority party status;

147       (2) The state senate committee per political party designated by the respective majority  
148 or minority floor leader of the senate or the chair of the state party if the party does not have  
149 majority or minority party status.

150       15. No person shall transfer anything of value to any committee with the intent to  
151 conceal, from the ethics commission, the identity of the actual source. Any violation of this  
152 subsection shall be punishable as follows:

153       (1) For the first violation, the ethics commission shall notify such person that the transfer  
154 to the committee is prohibited under this section within five days of determining that the transfer  
155 is prohibited, and that such person shall notify the committee to which the funds were transferred  
156 that the funds must be returned within ten days of such notification;

157       (2) For the second violation, the person transferring the funds shall be guilty of a class  
158 C misdemeanor;

159       (3) For the third and subsequent violations, the person transferring the funds shall be  
160 guilty of a class [D] E felony.

161       16. Beginning January 1, 2011, all committees required to file campaign financial  
162 disclosure reports with the Missouri ethics commission shall file any required disclosure report  
163 in an electronic format as prescribed by the ethics commission.

142.909. A person who violates any provision of this chapter, including, but not limited  
2 to the failure to obtain required licenses or permits, or fails to keep records as prescribed herein,  
3 or neglects, fails or refuses to allow the director, the director's authorized agents or the Missouri  
4 highway patrol to inspect an item of equipment or records, or who fails, neglects or refuses to  
5 pay the tax due is guilty of a misdemeanor and may be punished as prescribed by law. Any

6 person who violates any of the provisions of this section with the purpose to defraud is guilty of  
7 a class [D] E felony.

142.911. 1. Each person operating a refinery, terminal, or bulk plant in this state shall  
2 prepare and provide to the driver of every fuel transportation vehicle receiving motor fuel into  
3 the vehicle storage tank at the facility a shipping document setting out on its face:

4 (1) Identification by city and state of the terminal, refinery or bulk plant from which the  
5 motor fuel was removed;

6 (2) The date the motor fuel was removed;

7 (3) The amount of motor fuel removed, gross gallons and net gallons;

8 (4) The state of destination as represented to the terminal operator by the transporter, the  
9 shipper or the agent of the shipper;

10 (5) Any other information required by the director for the enforcement of this chapter;  
11 and

12 (6) The supplier, consignee and carrier of the motor fuel.

13 2. A terminal operator may manually prepare shipping papers if the terminal does not  
14 have the ability to prepare automated shipping papers or as a result of extraordinary unforeseen  
15 circumstances, including acts of God, which temporarily interfere with the ability of the terminal  
16 operator to issue automated machine-generated shipping papers. However, the terminal operator  
17 shall, prior to manually preparing the papers, provide, in the case of a terminal not having the  
18 ability to prepare automated shipping papers, written notice to the director, or in the case of  
19 extraordinary circumstances, telephonic notice to the director and obtain a service interruption  
20 authorization number which the employees of the terminal operator shall add to the manually  
21 prepared papers prior to removal of each affected transport load from the terminal. The service  
22 interruption authorization number shall be valid for use by the terminal operator for a period not  
23 to exceed twenty-four hours. If the interruption has not been corrected within the  
24 twenty-four-hour period, additional [notice(s)] **notice or notices** to the director shall be required  
25 and interruption authorization [number(s)] **number or numbers** may be issued upon explanation  
26 by the terminal operator satisfactory to the director. If the terminal operator acquires the ability  
27 to prepare automated machine-printed shipping papers, the terminal operator shall notify the  
28 director no later than ten days prior to the initial use of such capability.

29 3. An operator of a bulk plant in this state delivering motor fuel into a tank wagon for  
30 subsequent delivery to a consumer in this state shall be exempt from this section. An operator  
31 of a bulk plant in this state shall not be required to identify net gallons on the shipping  
32 documents as provided by this section.

33 4. A refinery or terminal operator may load motor fuel, a portion of which fuel is  
34 destined for sale or use in this state and a portion of which fuel is destined for sale or use in  
35 another state or states. However, such split loads removed shall be documented by the terminal

36 operator by issuing shipping papers designating the state of destination for each portion of the  
37 fuel.

38         5. Each refinery or terminal operator shall post a conspicuous notice proximately located  
39 to the point of receipt of shipping papers by transport truck operators, which notice shall describe  
40 in clear and concise terms the duties of the transport operator and supplier under section 142.914,  
41 provided that the director may establish the language, type, style and format of the notice.

42         6. No terminal operator shall imprint, and no supplier shall knowingly permit a terminal  
43 operator to imprint on behalf of the supplier, any false statement on a shipping paper relating to  
44 motor fuel to be delivered to this state or to a state having substantially the same shipping paper  
45 requirements with respect to the supplier of the fuel, whether or not it was dyed for the intended  
46 destination.

47         7. Any terminal operator who shall knowingly imprint any false statement in violation  
48 of this section shall be jointly and severally liable for all the taxes levied by this chapter which  
49 are not collected by this state as a result of such action.

50         8. Any supplier who knowingly violates this section shall be jointly and severally liable  
51 with the terminal operator.

52         9. A person who knowingly violates or knowingly aids and abets another to violate this  
53 section with the intent to evade the tax levied by this chapter shall be guilty of a class [D] E  
54 felony.

55         10. The director may impose a civil penalty of one thousand dollars for the first  
56 occurrence against every terminal operator that fails to meet shipping paper issuance  
57 requirements under this chapter. Each subsequent occurrence described in this subsection is  
58 subject to a civil penalty of five thousand dollars.

143.1001. 1. In each tax year beginning on or after January 1, 1990, each individual or  
2 corporation entitled to a tax refund in an amount sufficient to make a designation under this  
3 section may designate that two dollars or any amount in excess of two dollars on a single return,  
4 and four dollars or any amount in excess of four dollars on a combined return, of the refund due  
5 be credited to the veterans' trust fund. The contribution designation authorized by this section  
6 shall be clearly and unambiguously printed on each income tax return form provided by this  
7 state. If any individual or corporation which is not entitled to a tax refund in an amount  
8 sufficient to make a designation under this section wishes to make a contribution to the veterans'  
9 trust fund, such individual or corporation may, by separate check, draft, or other negotiable  
10 instrument, send in with the payment of taxes, or may send in separately, that amount, clearly  
11 designated for the veterans' trust fund, the individual or corporation wishes to contribute and the  
12 department of revenue shall forward such amount to the state treasurer for deposit to the veterans'  
13 trust fund as provided in subsection 2 of this section.

14         2. The director of revenue shall transfer at least monthly all contributions designated by  
15 individuals under this section to the state treasurer for deposit to the veterans' trust fund.

16           3. The director of revenue shall transfer at least monthly all contributions designated by  
17 corporations under this section, less an amount sufficient to cover the cost of collection and  
18 handling by the department of revenue, to the state treasurer for deposit to the veterans' trust  
19 fund.

20           4. A contribution designated under this section shall only be transferred and deposited  
21 in the veterans' trust fund after all other claims against the refund from which such contribution  
22 is to be made have been satisfied.

23           5. Notwithstanding any other law to the contrary, the names and addresses of individuals  
24 or corporations who designate a contribution to this fund may be supplied to the veterans'  
25 commission, for the purpose of sending an acknowledgment and written appreciation to those  
26 individuals and corporations. Under no circumstances shall the names and addresses be used for  
27 any purpose other than that expressed in this subsection. Release or use of the names and  
28 addresses for any other purpose is a class [C] D felony.

143.1003. 1. In each tax year beginning on or after January 1, 1999, each individual or  
2 corporation entitled to a tax refund in an amount sufficient to make a designation pursuant to this  
3 section may designate that two dollars or any amount in excess of two dollars on a single return  
4 and four dollars or any amount in excess of four dollars on a combined return, of the refund due  
5 be credited to the Missouri national guard trust fund. The contribution designation authorized  
6 by this section shall be clearly and unambiguously printed on each income tax return form  
7 provided by this state. If any individual or corporation which is not entitled to a tax refund in  
8 an amount sufficient to make a designation pursuant to this section wishes to make a contribution  
9 to the Missouri national guard trust fund, such individual or corporation may, by separate check,  
10 draft or other negotiable instrument, send in with the payment of taxes, or may send in  
11 separately, that amount, clearly designated for the Missouri national guard trust fund, the  
12 individual or corporation wishes to contribute and the department of revenue shall forward such  
13 amount to the state treasurer for deposit to the Missouri national guard trust fund as provided in  
14 subsection 2 of this section.

15           2. The director of revenue shall transfer at least monthly all contributions designated by  
16 individuals pursuant to this section to the state treasurer for deposit in the Missouri national  
17 guard trust fund.

18           3. A contribution designated pursuant to this section shall only be transferred and  
19 deposited in the Missouri national guard trust fund after all other claims against the refund from  
20 which such contribution is to be made have been satisfied.

21           4. Notwithstanding any other law to the contrary, the names and addresses of individuals  
22 or corporations who designate a contribution to this fund may be supplied to the office of the  
23 adjutant general, for the purpose of sending an acknowledgment and written appreciation to those  
24 individuals and corporations. Under no circumstances shall the names and addresses be used for

25 any purpose other than that expressed in this subsection. Any person who releases or uses any  
26 of the names and addresses for any other purpose is guilty of a class [C] D felony.

27 5. Moneys to be credited to the Missouri national guard trust fund pursuant to subsection  
28 1 of this section shall be placed in a subaccount and shall be used solely for the purpose  
29 authorized in section 41.958.

149.200. 1. It is unlawful for any person to:

2 (1) Sell or distribute in this state, to acquire, hold, own, possess or transport for sale or  
3 distribution in this state, or to import, or cause to be imported into this state for sale or  
4 distribution in this state, any cigarettes that do not comply with all requirements imposed by or  
5 pursuant to federal law and implementing regulations, including but not limited to the filing of  
6 ingredients lists pursuant to Section 7 of the Federal Cigarette Labeling and Advertising Act (15  
7 U.S.C. 1335a); the permanent imprinting on the primary packaging of the precise package  
8 warning labels in the precise format specified in Section 4 of the Federal Cigarette Labeling and  
9 Advertising Act (15 U.S.C. 1333); the rotation of label statements pursuant to Section 4(c) of  
10 the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1335(c)); restrictions on the  
11 importation, transfer and sale of previously exported tobacco products pursuant to Section 9302  
12 of Public Law 105-33, the Balanced Budget Act of 1997, as amended; requirements of Title IV  
13 of Public Law 106-476, the Imported Cigarette Compliance Act of 2000; or

14 (2) Alter the package of any cigarettes, prior to sale or distribution to the ultimate  
15 consumer, so as to remove, conceal or obscure:

16 (a) Any statement, label, stamp, sticker or notice indicating that the manufacturer did not  
17 intend the cigarettes to be sold, distributed or used in the United States, including but not limited  
18 to labels stating "For Export Only", "U.S. Tax Exempt", "For Use Outside U.S.", or similar  
19 wording; or

20 (b) Any health warning that is not the precise warning statement in the precise format  
21 specified in Section 4 of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1333).

22 2. It shall be unlawful for any person to affix any tax stamp or meter impression required  
23 pursuant to this chapter to the package of any cigarettes that does not comply with the  
24 requirements of subdivision (1) of subsection 1 of this section or that is altered in violation of  
25 subdivision (2) of subsection 1 of this section.

26 3. This section shall not apply to cigarettes allowed to be imported or brought into the  
27 United States for personal use, or to cigarettes sold or intended to be sold as duty-free  
28 merchandise by a duty-free sales enterprise in accordance with the provisions of 19 U.S.C.  
29 1555(b) and any implementing regulations; provided, however, that sections 149.200 to 149.215  
30 shall apply to any such cigarettes that are brought back into the customs territory for resale within  
31 the customs territory.

32 4. Any person who violates this section, whether acting knowingly or recklessly, is guilty  
33 of a class [D] E felony.

34           5. As used in this section, "package" means a pack, box, carton or container of any kind  
35 in which cigarettes are offered for sale, sold or otherwise distributed to consumers.

          168.071. 1. The state board of education may refuse to issue or renew a certificate, or  
2 may, upon hearing, discipline the holder of a certificate of license to teach for the following  
3 causes:

4           (1) A certificate holder or applicant for a certificate has pleaded to or been found guilty  
5 of a felony or crime involving moral turpitude under the laws of this state, any other state, of the  
6 United States, or any other country, whether or not sentence is imposed;

7           (2) The certification was obtained through use of fraud, deception, misrepresentation or  
8 bribery;

9           (3) There is evidence of incompetence, immorality, or neglect of duty by the certificate  
10 holder;

11           (4) A certificate holder has been subject to disciplinary action relating to certification  
12 issued by another state, territory, federal agency, or country upon grounds for which discipline  
13 is authorized in this section; or

14           (5) If charges are filed by the local board of education, based upon the annulling of a  
15 written contract with the local board of education, for reasons other than election to the general  
16 assembly, without the consent of the majority of the members of the board that is a party to the  
17 contract.

18           2. A public school district may file charges seeking the discipline of a holder of a  
19 certificate of license to teach based upon any cause or combination of causes outlined in  
20 subsection 1 of this section, including annulment of a written contract. Charges shall be in  
21 writing, specify the basis for the charges, and be signed by the chief administrative officer of the  
22 district, or by the president of the board of education as authorized by a majority of the board of  
23 education. The board of education may also petition the office of the attorney general to file  
24 charges on behalf of the school district for any cause other than annulment of contract, with  
25 acceptance of the petition at the discretion of the attorney general.

26           3. The department of elementary and secondary education may file charges seeking the  
27 discipline of a holder of a certificate of license to teach based upon any cause or combination of  
28 causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall  
29 be in writing, specify the basis for the charges, and be signed by legal counsel representing the  
30 department of elementary and secondary education.

31           4. If the underlying conduct or actions which are the basis for charges filed pursuant to  
32 this section are also the subject of a pending criminal charge against the person holding such  
33 certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel  
34 under the fifth amendment of the Constitution of the United States. Based upon such a request,  
35 no hearing shall be held until after a trial has been completed on this criminal charge.

36           5. The certificate holder shall be given not less than thirty days' notice of any hearing  
37 held pursuant to this section.

38           6. Other provisions of this section notwithstanding, the certificate of license to teach  
39 shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate  
40 holder or applicant has pleaded guilty to or been found guilty of any of the following offenses  
41 established pursuant to Missouri law or offenses of a similar nature established under the laws  
42 of **Missouri prior to August 28, 2012**, any other state or of the United States, or any other  
43 country, whether or not the sentence is imposed:

44           (1) Any dangerous felony as defined in section 556.061, or murder in the first degree  
45 under section 565.020;

46           (2) Any of the following sexual offenses: rape **in the first degree** under section  
47 566.030; statutory rape in the first degree under section 566.032; statutory rape in the second  
48 degree under section 566.034; [sexual assault] **rape in the second degree** under section 566.040;  
49 [forcible] sodomy **in the first degree** under section 566.060; statutory sodomy in the first degree  
50 under section 566.062; statutory sodomy in the second degree under section 566.064; child  
51 molestation in the first degree under section 566.067; child molestation in the second degree  
52 under section 566.068; [deviate sexual assault under section 566.070;] **child molestation in the**  
53 **third degree under section 566.069; child molestation in the fourth degree under section**  
54 **566.071; sodomy in the second degree under section 566.061**; sexual misconduct involving  
55 a child under section 566.083; sexual contact with a student [while on public school property]  
56 under section 566.086; sexual [misconduct in the first degree] **abuse in the second degree** under  
57 section 566.090; sexual misconduct in the [second] **first degree** under section 566.093; sexual  
58 misconduct in the [third] **second degree** under section 566.095; sexual abuse **in the first degree**  
59 under section 566.100; enticement of a child under section 566.151; or attempting to entice a  
60 child;

61           (3) Any of the following offenses against the family and related offenses: incest under  
62 section 568.020; abandonment of child in the first degree under section 568.030; abandonment  
63 of child in the second degree under section 568.032; endangering the welfare of a child in the  
64 first degree under section 568.045; abuse of a child under section 568.060; child used in a sexual  
65 performance under section [568.080] **573.200**; promoting sexual performance by a child under  
66 section [568.090] **573.205**; or trafficking in children under section 568.175; and

67           (4) Any of the following offenses involving child pornography and related offenses:  
68 promoting obscenity in the first degree under section 573.020; promoting obscenity in the second  
69 degree when the penalty is enhanced to a class [D] E felony under section 573.030; promoting  
70 child pornography in the first degree under section 573.025; promoting child pornography in the  
71 second degree under section 573.035; possession of child pornography under section 573.037;  
72 furnishing pornographic materials to minors under section 573.040; or coercing acceptance of  
73 obscene material under section 573.065.



74           7. When a certificate holder pleads guilty or is found guilty of any offense that would  
75 authorize the state board of education to seek discipline against that holder's certificate of license  
76 to teach, the local board of education or the department of elementary and secondary education  
77 shall immediately provide written notice to the state board of education and the attorney general  
78 regarding the plea of guilty or finding of guilty.

79           8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this  
80 section may appeal such revocation to the state board of education. Notice of this appeal must  
81 be received by the commissioner of education within ninety days of notice of revocation pursuant  
82 to this subsection. Failure of the certificate holder to notify the commissioner of the intent to  
83 appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent  
84 to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner  
85 of education, with the final decision made by the state board of education, based upon the record  
86 of that hearing. The certificate holder shall be given not less than thirty days' notice of the  
87 hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

88           9. In the case of any certificate holder who has surrendered or failed to renew his or her  
89 certificate of license to teach, the state board of education may refuse to issue or renew, or may  
90 suspend or revoke, such certificate for any of the reasons contained in this section.

91           10. In those cases where the charges filed pursuant to this section are based upon an  
92 allegation of misconduct involving a minor child, the hearing officer may accept into the record  
93 the sworn testimony of the minor child relating to the misconduct received in any court or  
94 administrative hearing.

95           11. Hearings, appeals or other matters involving certificate holders, licensees or  
96 applicants pursuant to this section may be informally resolved by consent agreement or agreed  
97 settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated  
98 by the state board of education.

99           12. The final decision of the state board of education is subject to judicial review  
100 pursuant to sections 536.100 to 536.140.

101           13. A certificate of license to teach to an individual who has been convicted of a felony  
102 or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only  
103 upon motion of the state board of education adopted by a unanimous affirmative vote of those  
104 members present and voting.

188.030. 1. Except in the case of a medical emergency, no abortion of a viable unborn  
2 child shall be performed or induced unless the abortion is necessary to preserve the life of the  
3 pregnant woman whose life is endangered by a physical disorder, physical illness, or physical  
4 injury, including a life-endangering physical condition caused by or arising from the pregnancy  
5 itself, or when continuation of the pregnancy will create a serious risk of substantial and  
6 irreversible physical impairment of a major bodily function of the pregnant woman. For  
7 purposes of this section, "major bodily function" includes, but is not limited to, functions of the

8 immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory,  
9 circulatory, endocrine, and reproductive functions.

10 2. Except in the case of a medical emergency:

11 (1) Prior to performing or inducing an abortion upon a woman, the physician shall  
12 determine the gestational age of the unborn child in a manner consistent with accepted obstetrical  
13 and neonatal practices and standards. In making such determination, the physician shall make  
14 such inquiries of the pregnant woman and perform or cause to be performed such medical  
15 examinations, imaging studies, and tests as a reasonably prudent physician, knowledgeable about  
16 the medical facts and conditions of both the woman and the unborn child involved, would  
17 consider necessary to perform and consider in making an accurate diagnosis with respect to  
18 gestational age;

19 (2) If the physician determines that the gestational age of the unborn child is twenty  
20 weeks or more, prior to performing or inducing an abortion upon the woman, the physician shall  
21 determine if the unborn child is viable by using and exercising that degree of care, skill, and  
22 proficiency commonly exercised by a skillful, careful, and prudent physician. In making this  
23 determination of viability, the physician shall perform or cause to be performed such medical  
24 examinations and tests as are necessary to make a finding of the gestational age, weight, and lung  
25 maturity of the unborn child and shall enter such findings and determination of viability in the  
26 medical record of the woman;

27 (3) If the physician determines that the gestational age of the unborn child is twenty  
28 weeks or more, and further determines that the unborn child is not viable and performs or  
29 induces an abortion upon the woman, the physician shall report such findings and determinations  
30 and the reasons for such determinations to the health care facility in which the abortion is  
31 performed and to the state board of registration for the healing arts, and shall enter such findings  
32 and determinations in the medical records of the woman and in the individual abortion report  
33 submitted to the department under section 188.052;

34 (4) (a) If the physician determines that the unborn child is viable, the physician shall not  
35 perform or induce an abortion upon the woman unless the abortion is necessary to preserve the  
36 life of the pregnant woman or that a continuation of the pregnancy will create a serious risk of  
37 substantial and irreversible physical impairment of a major bodily function of the woman.

38 (b) Before a physician may proceed with performing or inducing an abortion upon a  
39 woman when it has been determined that the unborn child is viable, the physician shall first  
40 certify in writing the medical threat posed to the life of the pregnant woman, or the medical  
41 reasons that continuation of the pregnancy would cause a serious risk of substantial and  
42 irreversible physical impairment of a major bodily function of the pregnant woman. Upon  
43 completion of the abortion, the physician shall report the reasons and determinations for the  
44 abortion of a viable unborn child to the health care facility in which the abortion is performed  
45 and to the state board of registration for the healing arts, and shall enter such findings and

46 determinations in the medical record of the woman and in the individual abortion report  
47 submitted to the department under section 188.052.

48 (c) Before a physician may proceed with performing or inducing an abortion upon a  
49 woman when it has been determined that the unborn child is viable, the physician who is to  
50 perform the abortion shall obtain the agreement of a second physician with knowledge of  
51 accepted obstetrical and neonatal practices and standards who shall concur that the abortion is  
52 necessary to preserve the life of the pregnant woman, or that continuation of the pregnancy  
53 would cause a serious risk of substantial and irreversible physical impairment of a major bodily  
54 function of the pregnant woman. This second physician shall also report such reasons and  
55 determinations to the health care facility in which the abortion is to be performed and to the state  
56 board of registration for the healing arts, and shall enter such findings and determinations in the  
57 medical record of the woman and the individual abortion report submitted to the department  
58 under section 188.052. The second physician shall not have any legal or financial affiliation or  
59 relationship with the physician performing or inducing the abortion, except that such prohibition  
60 shall not apply to physicians whose legal or financial affiliation or relationship is a result of  
61 being employed by or having staff privileges at the same hospital as the term "hospital" is  
62 defined in section 197.020.

63 (d) Any physician who performs or induces an abortion upon a woman when it has been  
64 determined that the unborn child is viable shall utilize the available method or technique of  
65 abortion most likely to preserve the life or health of the unborn child. In cases where the method  
66 or technique of abortion most likely to preserve the life or health of the unborn child would  
67 present a greater risk to the life or health of the woman than another legally permitted and  
68 available method or technique, the physician may utilize such other method or technique. In all  
69 cases where the physician performs an abortion upon a viable unborn child, the physician shall  
70 certify in writing the available method or techniques considered and the reasons for choosing the  
71 method or technique employed.

72 (e) No physician shall perform or induce an abortion upon a woman when it has been  
73 determined that the unborn child is viable unless there is in attendance a physician other than the  
74 physician performing or inducing the abortion who shall take control of and provide immediate  
75 medical care for a child born as a result of the abortion. During the performance of the abortion,  
76 the physician performing it, and subsequent to the abortion, the physician required to be in  
77 attendance, shall take all reasonable steps in keeping with good medical practice, consistent with  
78 the procedure used, to preserve the life or health of the viable unborn child; provided that it does  
79 not pose an increased risk to the life of the woman or does not pose an increased risk of  
80 substantial and irreversible physical impairment of a major bodily function of the woman.

81 3. Any person who knowingly performs or induces an abortion of an unborn child in  
82 violation of the provisions of this section is guilty of a class [C] D felony, and, upon a finding  
83 of guilt or plea of guilty, shall be imprisoned for a term of not less than one year, and,

84 notwithstanding the provisions of section 560.011, shall be fined not less than ten thousand nor  
85 more than fifty thousand dollars.

86 4. Any physician who pleads guilty to or is found guilty of performing or inducing an  
87 abortion of an unborn child in violation of this section shall be subject to suspension or  
88 revocation of his or her license to practice medicine in the state of Missouri by the state board  
89 of registration for the healing arts under the provisions of sections 334.100 and 334.103.

90 5. Any hospital licensed in the state of Missouri that knowingly allows an abortion of  
91 an unborn child to be performed or induced in violation of this section may be subject to  
92 suspension or revocation of its license under the provisions of section 197.070.

93 6. Any ambulatory surgical center licensed in the state of Missouri that knowingly allows  
94 an abortion of an unborn child to be performed or induced in violation of this section may be  
95 subject to suspension or revocation of its license under the provisions of section 197.220.

96 7. A woman upon whom an abortion is performed or induced in violation of this section  
97 shall not be prosecuted for a conspiracy to violate the provisions of this section.

98 8. Nothing in this section shall be construed as creating or recognizing a right to  
99 abortion, nor is it the intention of this section to make lawful any abortion that is currently  
100 unlawful.

101 9. It is the intent of the legislature that this section be severable as noted in section 1.140.  
102 In the event that any section, subsection, subdivision, paragraph, sentence, or clause of this  
103 section be declared invalid under the Constitution of the United States or the Constitution of the  
104 State of Missouri, it is the intent of the legislature that the remaining provisions of this section  
105 remain in force and effect as far as capable of being carried into execution as intended by the  
106 legislature.

107 10. The general assembly may, by concurrent resolution, appoint one or more of its  
108 members who sponsored or co-sponsored this act in his or her official capacity to intervene as  
109 a matter of right in any case in which the constitutionality of this law is challenged.

190.621. 1. Any person who knowingly conceals, cancels, defaces, or obliterates the  
2 outside the hospital do-not-resuscitate order or the outside the hospital do-not-resuscitate  
3 identification of another person without the consent of the other person, or who knowingly  
4 falsifies or forges a revocation of the outside the hospital do-not-resuscitate order or the outside  
5 the hospital do-not-resuscitate identification of another person, is guilty of a class A  
6 misdemeanor.

7 2. Any person who knowingly executes, falsifies, or forges an outside the hospital  
8 do-not-resuscitate order or an outside the hospital do-not-resuscitate identification of another  
9 person without the consent of the other person, or who knowingly conceals or withholds personal  
10 knowledge of a revocation of an outside the hospital do-not-resuscitate order or an outside the  
11 hospital do-not-resuscitate identification of another person, is guilty of a class [D] E felony.

191.905. 1. No health care provider shall knowingly make or cause to be made a false statement or false representation of a material fact in order to receive a health care payment, including but not limited to:

(1) Knowingly presenting to a health care payer a claim for a health care payment that falsely represents that the health care for which the health care payment is claimed was medically necessary, if in fact it was not;

(2) Knowingly concealing the occurrence of any event affecting an initial or continued right under a medical assistance program to have a health care payment made by a health care payer for providing health care;

(3) Knowingly concealing or failing to disclose any information with the intent to obtain a health care payment to which the health care provider or any other health care provider is not entitled, or to obtain a health care payment in an amount greater than that which the health care provider or any other health care provider is entitled;

(4) Knowingly presenting a claim to a health care payer that falsely indicates that any particular health care was provided to a person or persons, if in fact health care of lesser value than that described in the claim was provided.

2. No person shall knowingly solicit or receive any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind in return for:

(1) Referring another person to a health care provider for the furnishing or arranging for the furnishing of any health care; or

(2) Purchasing, leasing, ordering or arranging for or recommending purchasing, leasing or ordering any health care.

3. No person shall knowingly offer or pay any remuneration, including any kickback, bribe, or rebate, directly or indirectly, overtly or covertly, in cash or in kind, to any person to induce such person to refer another person to a health care provider for the furnishing or arranging for the furnishing of any health care.

4. Subsections 2 and 3 of this section shall not apply to a discount or other reduction in price obtained by a health care provider if the reduction in price is properly disclosed and appropriately reflected in the claim made by the health care provider to the health care payer, or any amount paid by an employer to an employee for employment in the provision of health care.

5. Exceptions to the provisions of subsections 2 and 3 of this subsection shall be provided for as authorized in 42 U.S.C. Section 1320a-7b(3)(E), as may be from time to time amended, and regulations promulgated pursuant thereto.

6. No person shall knowingly abuse a person receiving health care.

7. A person who violates subsections 1 to 3 of this section is guilty of a class [C] **D** felony upon his or her first conviction, and shall be guilty of a class B felony upon his or her second and subsequent convictions. Any person who has been convicted of such violations shall

39 be referred to the Office of Inspector General within the United States Department of Health and  
40 Human Services. The person so referred shall be subject to the penalties provided for under 42  
41 U.S.C. Chapter 7, Subchapter XI, Section 1320a-7. A prior conviction shall be pleaded and  
42 proven as provided by section 558.021. A person who violates subsection 6 of this section shall  
43 be guilty of a class [C] **D** felony, unless the act involves no physical, sexual or emotional harm  
44 or injury and the value of the property involved is less than five hundred dollars, in which event  
45 a violation of subsection 6 of this section is a class A misdemeanor.

46 8. Any natural person who willfully prevents, obstructs, misleads, delays, or attempts to  
47 prevent, obstruct, mislead, or delay the communication of information or records relating to a  
48 violation of sections 191.900 to 191.910 is guilty of a class [D] **E** felony.

49 9. Each separate false statement or false representation of a material fact proscribed by  
50 subsection 1 of this section or act proscribed by subsection 2 or 3 of this section shall constitute  
51 a separate offense and a separate violation of this section, whether or not made at the same or  
52 different times, as part of the same or separate episodes, as part of the same scheme or course  
53 of conduct, or as part of the same claim.

54 10. In a prosecution pursuant to subsection 1 of this section, circumstantial evidence may  
55 be presented to demonstrate that a false statement or claim was knowingly made. Such evidence  
56 of knowledge may include but shall not be limited to the following:

57 (1) A claim for a health care payment submitted with the health care provider's actual,  
58 facsimile, stamped, typewritten or similar signature on the claim for health care payment;

59 (2) A claim for a health care payment submitted by means of computer billing tapes or  
60 other electronic means;

61 (3) A course of conduct involving other false claims submitted to this or any other health  
62 care payer.

63 11. Any person convicted of a violation of this section, in addition to any fines, penalties  
64 or sentences imposed by law, shall be required to make restitution to the federal and state  
65 governments, in an amount at least equal to that unlawfully paid to or by the person, and shall  
66 be required to reimburse the reasonable costs attributable to the investigation and prosecution  
67 pursuant to sections 191.900 to 191.910. All of such restitution shall be paid and deposited to  
68 the credit of the "MO HealthNet Fraud Reimbursement Fund", which is hereby established in  
69 the state treasury. Moneys in the MO HealthNet fraud reimbursement fund shall be divided and  
70 appropriated to the federal government and affected state agencies in order to refund moneys  
71 falsely obtained from the federal and state governments. All of such cost reimbursements  
72 attributable to the investigation and prosecution shall be paid and deposited to the credit of the  
73 "MO HealthNet Fraud Prosecution Revolving Fund", which is hereby established in the state  
74 treasury. Moneys in the MO HealthNet fraud prosecution revolving fund may be appropriated  
75 to the attorney general, or to any prosecuting or circuit attorney who has successfully prosecuted  
76 an action for a violation of sections 191.900 to 191.910 and been awarded such costs of

77 prosecution, in order to defray the costs of the attorney general and any such prosecuting or  
78 circuit attorney in connection with their duties provided by sections 191.900 to 191.910. No  
79 moneys shall be paid into the MO HealthNet fraud protection revolving fund pursuant to this  
80 subsection unless the attorney general or appropriate prosecuting or circuit attorney shall have  
81 commenced a prosecution pursuant to this section, and the court finds in its discretion that  
82 payment of attorneys' fees and investigative costs is appropriate under all the circumstances, and  
83 the attorney general and prosecuting or circuit attorney shall prove to the court those expenses  
84 which were reasonable and necessary to the investigation and prosecution of such case, and the  
85 court approves such expenses as being reasonable and necessary. Any moneys remaining in the  
86 MO HealthNet fraud reimbursement fund after division and appropriation to the federal  
87 government and affected state agencies shall be used to increase MO HealthNet provider  
88 reimbursement until it is at least one hundred percent of the Medicare provider reimbursement  
89 rate for comparable services. The provisions of section 33.080 notwithstanding, moneys in the  
90 MO HealthNet fraud prosecution revolving fund shall not lapse at the end of the biennium.

91 12. A person who violates subsections 1 to 3 of this section shall be liable for a civil  
92 penalty of not less than five thousand dollars and not more than ten thousand dollars for each  
93 separate act in violation of such subsections, plus three times the amount of damages which the  
94 state and federal government sustained because of the act of that person, except that the court  
95 may assess not more than two times the amount of damages which the state and federal  
96 government sustained because of the act of the person, if the court finds:

97 (1) The person committing the violation of this section furnished personnel employed  
98 by the attorney general and responsible for investigating violations of sections 191.900 to  
99 191.910 with all information known to such person about the violation within thirty days after  
100 the date on which the defendant first obtained the information;

101 (2) Such person fully cooperated with any government investigation of such violation;  
102 and

103 (3) At the time such person furnished the personnel of the attorney general with the  
104 information about the violation, no criminal prosecution, civil action, or administrative action  
105 had commenced with respect to such violation, and the person did not have actual knowledge  
106 of the existence of an investigation into such violation.

107 13. Upon conviction pursuant to this section, the prosecution authority shall provide  
108 written notification of the conviction to all regulatory or disciplinary agencies with authority over  
109 the conduct of the defendant health care provider.

110 14. The attorney general may bring a civil action against any person who shall receive  
111 a health care payment as a result of a false statement or false representation of a material fact  
112 made or caused to be made by that person. The person shall be liable for up to double the  
113 amount of all payments received by that person based upon the false statement or false  
114 representation of a material fact, and the reasonable costs attributable to the prosecution of the

115 civil action. All such restitution shall be paid and deposited to the credit of the MO HealthNet  
116 fraud reimbursement fund, and all such cost reimbursements shall be paid and deposited to the  
117 credit of the MO HealthNet fraud prosecution revolving fund. No reimbursement of such costs  
118 attributable to the prosecution of the civil action shall be made or allowed except with the  
119 approval of the court having jurisdiction of the civil action. No civil action provided by this  
120 subsection shall be brought if restitution and civil penalties provided by subsections 11 and 12  
121 of this section have been previously ordered against the person for the same cause of action.

122 15. Any person who discovers a violation by himself or herself or such person's  
123 organization and who reports such information voluntarily before such information is public or  
124 known to the attorney general shall not be prosecuted for a criminal violation.

191.914. 1. Any person who intentionally files a false report or claim alleging a  
2 violation of sections 191.900 to 191.910 is guilty of a class A misdemeanor. Any second or  
3 subsequent violation of this section is a class [D] E felony and shall be punished as provided by  
4 law.

5 2. Any person who receives any compensation in exchange for knowingly failing to  
6 report any violation of subsections 1 to 3 of section 191.905 is guilty of a class [D] E felony.

193.315. 1. Any person who knowingly makes any false statement in a certificate,  
2 record, or report required by sections 193.005 to 193.325 or in an application for an amendment  
3 thereof, or in an application for a certified copy of a vital record, or who knowingly supplies false  
4 information intending that such information be used in the preparation of any such report, record,  
5 or certificate, or amendment thereof shall be guilty of a class [D] E felony.

6 2. Any person who, without lawful authority and with the intent to deceive, makes,  
7 counterfeits, alters, amends, or mutilates any certificate, record, or report required by sections  
8 193.005 to 193.325, certified copy of such certificate, record, or report shall be guilty of a class  
9 [D] E felony.

10 3. Any person who knowingly obtains, possesses, uses, sells, furnishes or attempts to  
11 obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate,  
12 record, or report required by sections 193.005 to 193.325 or certified copy thereof so made,  
13 counterfeited, altered, amended, or mutilated, or which is false in whole or in part or which  
14 relates to the birth of another person, whether living or deceased, shall be guilty of a class [D]  
15 E felony.

16 4. Any employee of the department or involved with the system of vital statistics who  
17 knowingly furnishes or processes a certificate of birth, or certified copy of a certificate of birth,  
18 with the knowledge or intention that it be used for the purposes of deception shall be guilty of  
19 a class [D] E felony.

20 5. Any person who without lawful authority possesses any certificate, record, or report,  
21 required by sections 193.005 to 193.325 or a copy or certified copy of such certificate, record,



22 or report knowing same to have been stolen, or otherwise unlawfully obtained, shall be guilty  
23 of a class [D] E felony.

24 6. Any person who knowingly refuses to provide information required by sections  
25 193.005 to 193.325, or regulations adopted hereunder, shall be guilty of a class A misdemeanor.

26 7. Any person who knowingly neglects or violates any of the provisions of sections  
27 193.005 to 193.325 or refuses to perform any of the duties imposed upon him by sections  
28 193.005 to 193.325 shall be guilty of a class A misdemeanor.

194.410. 1. Any person, corporation, partnership, proprietorship, or organization who  
2 knowingly disturbs, destroys, vandalizes, or damages a marked or unmarked human burial site  
3 commits a class [D] E felony.

4 2. Any person who knowingly appropriates for profit, uses for profit, sells, purchases or  
5 transports for sale or profit any human remains without the right of possession to those remains  
6 as provided in sections 194.400 to 194.410 commits a class A misdemeanor and, in the case of  
7 a second or subsequent violation, commits a class [D] E felony.

8 3. Any person who knowingly appropriates for profit, uses for profit, sells, purchases or  
9 transports for sale or profit any cultural items obtained in violation of sections 194.400 to  
10 194.410 commits a class A misdemeanor and, in the case of a second or subsequent violation,  
11 commits a class [D] E felony.

194.425. 1. A person commits the crime of abandonment of a corpse if that person  
2 abandons, disposes, deserts or leaves a corpse without properly reporting the location of the body  
3 to the proper law enforcement officials in that county.

4 2. Abandonment of a corpse is a class [D] E felony.

195.005. [Sections 195.005 to 195.425] **This chapter and chapter 579** shall be known  
2 as the "Comprehensive Drug Control Act [of 1989]".

195.010. The following words and phrases as used in [sections 195.005 to 195.425] **this**  
2 **chapter and chapter 579**, unless the context otherwise requires, mean:

3 (1) "Addict", a person who habitually uses one or more controlled substances to such an  
4 extent as to create a tolerance for such drugs, and who does not have a medical need for such  
5 drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control  
6 with reference to his **or her** addiction;

7 (2) "Administer", to apply a controlled substance, whether by injection, inhalation,  
8 ingestion, or any other means, directly to the body of a patient or research subject by:

9 (a) A practitioner (or, in his **or her** presence, by his **or her** authorized agent); or

10 (b) The patient or research subject at the direction and in the presence of the practitioner;

11 (3) "Agent", an authorized person who acts on behalf of or at the direction of a  
12 manufacturer, distributor, or dispenser. The term does not include a common or contract carrier,  
13 public warehouseman, or employee of the carrier or warehouseman while acting in the usual and  
14 lawful course of the carrier's or warehouseman's business;

- 15 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general  
16 authorized to investigate, commence and prosecute an action under [sections 195.005 to 195.425]  
17 **this chapter**;
- 18 (5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I  
19 through V listed in [sections 195.005 to 195.425] **this chapter**;
- 20 (6) "Controlled substance analogue", a substance the chemical structure of which is  
21 substantially similar to the chemical structure of a controlled substance in Schedule I or II and:  
22 (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous  
23 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central  
24 nervous system of a controlled substance included in Schedule I or II; or  
25 (b) With respect to a particular individual, which that individual represents or intends  
26 to have a stimulant, depressant, or hallucinogenic effect on the central nervous system  
27 substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous  
28 system of a controlled substance included in Schedule I or II. The term does not include a  
29 controlled substance; any substance for which there is an approved new drug application; any  
30 substance for which an exemption is in effect for investigational use, for a particular person,  
31 under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent  
32 conduct with respect to the substance is pursuant to the exemption; or any substance to the extent  
33 not intended for human consumption before such an exemption takes effect with respect to the  
34 substance;
- 35 (7) "Counterfeit substance", a controlled substance which, or the container or labeling  
36 of which, without authorization, bears the trademark, trade name, or other identifying mark,  
37 imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser  
38 other than the person who in fact manufactured, distributed, or dispensed the substance;
- 39 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one  
40 person to another of drug paraphernalia or of a controlled substance, or an imitation controlled  
41 substance, whether or not there is an agency relationship, and includes a sale;
- 42 (9) "Dentist", a person authorized by law to practice dentistry in this state;
- 43 (10) "Depressant or stimulant substance":  
44 (a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid  
45 or any derivative of barbituric acid which has been designated by the United States Secretary of  
46 Health and Human Services as habit forming under 21 U.S.C. 352(d);  
47 (b) A drug containing any quantity of:  
48 a. Amphetamine or any of its isomers;  
49 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or  
50 c. Any substance the United States Attorney General, after investigation, has found to  
51 be, and by regulation designated as, habit forming because of its stimulant effect on the central  
52 nervous system;

53 (c) Lysergic acid diethylamide; or

54 (d) Any drug containing any quantity of a substance that the United States Attorney  
55 General, after investigation, has found to have, and by regulation designated as having, a  
56 potential for abuse because of its depressant or stimulant effect on the central nervous system or  
57 its hallucinogenic effect;

58 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user  
59 or research subject by or pursuant to the lawful order of a practitioner including the prescribing,  
60 administering, packaging, labeling, or compounding necessary to prepare the substance for such  
61 delivery. "Dispenser" means a practitioner who dispenses;

62 (12) "Distribute", to deliver other than by administering or dispensing a controlled  
63 substance;

64 (13) "Distributor", a person who distributes;

65 (14) "Drug":

66 (a) Substances recognized as drugs in the official United States Pharmacopoeia, Official  
67 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any  
68 supplement to any of them;

69 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or  
70 prevention of disease in humans or animals;

71 (c) Substances, other than food, intended to affect the structure or any function of the  
72 body of humans or animals; and

73 (d) Substances intended for use as a component of any article specified in this  
74 subdivision. It does not include devices or their components, parts or accessories;

75 (15) "Drug-dependent person", a person who is using a controlled substance and who  
76 is in a state of psychic or physical dependence, or both, arising from the use of such substance  
77 on a continuous basis. Drug dependence is characterized by behavioral and other responses  
78 which include a strong compulsion to take the substance on a continuous basis in order to  
79 experience its psychic effects or to avoid the discomfort caused by its absence;

80 (16) "Drug enforcement agency", the Drug Enforcement Administration in the United  
81 States Department of Justice, or its successor agency;

82 (17) "Drug paraphernalia", all equipment, products, substances and materials of any kind  
83 which are used, intended for use, or designed for use, in planting, propagating, cultivating,  
84 growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,  
85 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the  
86 human body a controlled substance or an imitation controlled substance in violation of [sections  
87 195.005 to 195.425] **this chapter**. It includes, but is not limited to:

88 (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating,  
89 growing or harvesting of any species of plant which is a controlled substance or from which a  
90 controlled substance can be derived;

91 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,  
92 converting, producing, processing, or preparing controlled substances or imitation controlled  
93 substances;

94 (c) Isomerization devices used, intended for use, or designed for use in increasing the  
95 potency of any species of plant which is a controlled substance or an imitation controlled  
96 substance;

97 (d) Testing equipment used, intended for use, or designed for use in identifying, or in  
98 analyzing the strength, effectiveness or purity of controlled substances or imitation controlled  
99 substances;

100 (e) Scales and balances used, intended for use, or designed for use in weighing or  
101 measuring controlled substances or imitation controlled substances;

102 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose  
103 and lactose, used, intended for use, or designed for use in cutting controlled substances or  
104 imitation controlled substances;

105 (g) Separation gins and sifters used, intended for use, or designed for use in removing  
106 twigs and seeds from, or in otherwise cleaning or refining, marijuana;

107 (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or  
108 designed for use in compounding controlled substances or imitation controlled substances;

109 (i) Capsules, balloons, envelopes and other containers used, intended for use, or designed  
110 for use in packaging small quantities of controlled substances or imitation controlled substances;

111 (j) Containers and other objects used, intended for use, or designed for use in storing or  
112 concealing controlled substances or imitation controlled substances;

113 (k) Hypodermic syringes, needles and other objects used, intended for use, or designed  
114 for use in parenterally injecting controlled substances or imitation controlled substances into the  
115 human body;

116 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise  
117 introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

118 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,  
119 permanent screens, hashish heads, or punctured metal bowls;

120 b. Water pipes;

121 c. Carburetion tubes and devices;

122 d. Smoking and carburetion masks;

123 e. Roach clips meaning objects used to hold burning material, such as a marijuana  
124 cigarette, that has become too small or too short to be held in the hand;

125 f. Miniature cocaine spoons and cocaine vials;

126 g. Chamber pipes;

127 h. Carburetor pipes;

128 i. Electric pipes;

- 129 j. Air-driven pipes;  
130 k. Chillums;  
131 l. Bongs;  
132 m. Ice pipes or chillers;  
133 (m) Substances used, intended for use, or designed for use in the manufacture of a  
134 controlled substance;  
135
- 136 In determining whether an object, product, substance or material is drug paraphernalia, a court  
137 or other authority should consider, in addition to all other logically relevant factors, the  
138 following:
- 139 (a) Statements by an owner or by anyone in control of the object concerning its use;  
140 (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any  
141 state or federal law relating to any controlled substance or imitation controlled substance;  
142 (c) The proximity of the object, in time and space, to a direct violation of [sections  
143 195.005 to 195.425] **this chapter**;  
144 (d) The proximity of the object to controlled substances or imitation controlled  
145 substances;  
146 (e) The existence of any residue of controlled substances or imitation controlled  
147 substances on the object;  
148 (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control  
149 of the object, to deliver it to persons who he **or she** knows, or should reasonably know, intend  
150 to use the object to facilitate a violation of [sections 195.005 to 195.425] **this chapter**; the  
151 innocence of an owner, or of anyone in control of the object, as to direct violation of [sections  
152 195.005 to 195.425] **this chapter** shall not prevent a finding that the object is intended for use,  
153 or designed for use as drug paraphernalia;  
154 (g) Instructions, oral or written, provided with the object concerning its use;  
155 (h) Descriptive materials accompanying the object which explain or depict its use;  
156 (i) National or local advertising concerning its use;  
157 (j) The manner in which the object is displayed for sale;  
158 (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like  
159 or related items to the community, such as a licensed distributor or dealer of tobacco products;  
160 (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales  
161 of the business enterprise;  
162 (m) The existence and scope of legitimate uses for the object in the community;  
163 (n) Expert testimony concerning its use;  
164 (o) The quantity, form or packaging of the product, substance or material in relation to  
165 the quantity, form or packaging associated with any legitimate use for the product, substance or  
166 material;

167 (18) "Federal narcotic laws", the laws of the United States relating to controlled  
168 substances;

169 (19) "Hospital", a place devoted primarily to the maintenance and operation of facilities  
170 for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or  
171 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal  
172 physical conditions; or a place devoted primarily to provide, for not less than twenty-four  
173 consecutive hours in any week, medical or nursing care for three or more nonrelated individuals.  
174 The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined  
175 in chapter 198;

176 (20) "Immediate precursor", a substance which:

177 (a) The state department of health and senior services has found to be and by rule  
178 designates as being the principal compound commonly used or produced primarily for use in the  
179 manufacture of a controlled substance;

180 (b) Is an immediate chemical intermediary used or likely to be used in the manufacture  
181 of a controlled substance; and

182 (c) The control of which is necessary to prevent, curtail or limit the manufacture of the  
183 controlled substance;

184 (21) "Imitation controlled substance", a substance that is not a controlled substance,  
185 which by dosage unit appearance (including color, shape, size and markings), or by  
186 representations made, would lead a reasonable person to believe that the substance is a controlled  
187 substance. In determining whether the substance is an imitation controlled substance the court  
188 or authority concerned should consider, in addition to all other logically relevant factors, the  
189 following:

190 (a) Whether the substance was approved by the federal Food and Drug Administration  
191 for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and  
192 Drug Administration approved package, with the federal Food and Drug Administration  
193 approved labeling information;

194 (b) Statements made by an owner or by anyone else in control of the substance  
195 concerning the nature of the substance, or its use or effect;

196 (c) Whether the substance is packaged in a manner normally used for illicit controlled  
197 substances;

198 (d) Prior convictions, if any, of an owner, or anyone in control of the object, under state  
199 or federal law related to controlled substances or fraud;

200 (e) The proximity of the substances to controlled substances;

201 (f) Whether the consideration tendered in exchange for the noncontrolled substance  
202 substantially exceeds the reasonable value of the substance considering the actual chemical  
203 composition of the substance and, where applicable, the price at which over-the-counter  
204 substances of like chemical composition sell. An imitation controlled substance does not include

205 a placebo or registered investigational drug either of which was manufactured, distributed,  
206 possessed or delivered in the ordinary course of professional practice or research;

207 (22) "Laboratory", a laboratory approved by the department of health and senior services  
208 as proper to be entrusted with the custody of controlled substances but does not include a  
209 pharmacist who compounds controlled substances to be sold or dispensed on prescriptions;

210 (23) "Manufacture", the production, preparation, propagation, compounding or  
211 processing of drug paraphernalia or of a controlled substance, or an imitation controlled  
212 substance, either directly or by extraction from substances of natural origin, or independently by  
213 means of chemical synthesis, or by a combination of extraction and chemical synthesis, and  
214 includes any packaging or repackaging of the substance or labeling or relabeling of its container.  
215 This term does not include the preparation or compounding of a controlled substance or an  
216 imitation controlled substance or the preparation, compounding, packaging or labeling of a  
217 narcotic or dangerous drug:

218 (a) By a practitioner as an incident to his **or her** administering or dispensing of a  
219 controlled substance or an imitation controlled substance in the course of his **or her** professional  
220 practice, or

221 (b) By a practitioner or his **or her** authorized agent under his **or her** supervision, for the  
222 purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

223 (24) "Marijuana", all parts of the plant genus Cannabis in any species or form thereof,  
224 including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana,  
225 Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin  
226 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,  
227 or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant,  
228 fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound,  
229 manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin  
230 extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of  
231 germination;

232 (25) "Methamphetamine precursor drug", any drug containing ephedrine,  
233 pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical  
234 isomers;

235 (26) "Narcotic drug", any of the following, whether produced directly or indirectly by  
236 extraction from substances of vegetable origin, or independently by means of chemical synthesis,  
237 or by a combination of extraction and chemical analysis:

238 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters,  
239 ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers,  
240 esters, ethers, and salts is possible within the specific chemical designation. The term does not  
241 include the isoquinoline alkaloids of opium;

- 242 (b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine,  
243 and derivatives of ecgonine or their salts have been removed;
- 244 (c) Cocaine or any salt, isomer, or salt of isomer thereof;
- 245 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;
- 246 (e) Any compound, mixture, or preparation containing any quantity of any substance  
247 referred to in paragraphs (a) to (d) of this subdivision;
- 248 (27) "Official written order", an order written on a form provided for that purpose by the  
249 United States Commissioner of Narcotics, under any laws of the United States making provision  
250 therefor, if such order forms are authorized and required by federal law, and if no such order  
251 form is provided, then on an official form provided for that purpose by the department of health  
252 and senior services;
- 253 (28) "Opiate", any substance having an addiction-forming or addiction-sustaining  
254 liability similar to morphine or being capable of conversion into a drug having addiction-forming  
255 or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does  
256 not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of  
257 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);
- 258 (29) "Opium poppy", the plant of the species *Papaver somniferum* L., except its seeds;
- 259 (30) "Over-the-counter sale", a retail sale licensed pursuant to chapter 144 of a drug  
260 other than a controlled substance;
- 261 (31) "Person", an individual, corporation, government or governmental subdivision or  
262 agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or  
263 commercial entity;
- 264 (32) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and where  
265 the context so requires, the owner of a store or other place of business where controlled  
266 substances are compounded or dispensed by a licensed pharmacist; but nothing in [sections  
267 195.005 to 195.425] **this chapter** shall be construed as conferring on a person who is not  
268 registered nor licensed as a pharmacist any authority, right or privilege that is not granted to him  
269 by the pharmacy laws of this state;
- 270 (33) "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;
- 271 (34) "Possessed" or "possessing a controlled substance", a person, with the knowledge  
272 of the presence and nature of a substance, has actual or constructive possession of the substance.  
273 A person has actual possession if he has the substance on his **or her** person or within easy reach  
274 and convenient control. A person who, although not in actual possession, has the power and the  
275 intention at a given time to exercise dominion or control over the substance either directly or  
276 through another person or persons is in constructive possession of it. Possession may also be  
277 sole or joint. If one person alone has possession of a substance possession is sole. If two or  
278 more persons share possession of a substance, possession is joint;



279 (35) "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian, scientific  
280 investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by  
281 this state to distribute, dispense, conduct research with respect to or administer or to use in  
282 teaching or chemical analysis, a controlled substance in the course of professional practice or  
283 research in this state, or a pharmacy, hospital or other institution licensed, registered, or  
284 otherwise permitted to distribute, dispense, conduct research with respect to or administer a  
285 controlled substance in the course of professional practice or research;

286 (36) "Production", includes the manufacture, planting, cultivation, growing, or  
287 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled  
288 substance;

289 (37) "Registry number", the number assigned to each person registered under the federal  
290 controlled substances laws;

291 (38) "Sale", includes barter, exchange, or gift, or offer therefor, and each such transaction  
292 made by any person, whether as principal, proprietor, agent, servant or employee;

293 (39) "State" when applied to a part of the United States, includes any state, district,  
294 commonwealth, territory, insular possession thereof, and any area subject to the legal authority  
295 of the United States of America;

296 (40) "Synthetic cannabinoid"[.] includes unless specifically excepted or unless listed in  
297 another schedule, any natural or synthetic material, compound, mixture, or preparation that  
298 contains any quantity of a substance that is a cannabinoid receptor agonist, including but not  
299 limited to any substance listed in paragraph (II) of subdivision (4) of subsection 2 of section  
300 195.017 and any analogues[.] ; homologues; isomers, whether optical, positional, or geometric;  
301 esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the  
302 isomers, esters, ethers, or salts is possible within the specific chemical designation, however, it  
303 shall not include any approved pharmaceutical authorized by the United States Food and Drug  
304 Administration;

305 (41) "Ultimate user", a person who lawfully possesses a controlled substance or an  
306 imitation controlled substance for his **or her** own use or for the use of a member of his **or her**  
307 household or for administering to an animal owned by him or by a member of his **or her**  
308 household;

309 (42) "Wholesaler", a person who supplies drug paraphernalia or controlled substances  
310 or imitation controlled substances that he himself has not produced or prepared, on official  
311 written orders, but not on prescriptions.

195.015. 1. The department of health and senior services shall administer [sections  
2 195.005 to 195.425] **this chapter** and may add substances to the schedules after public notice  
3 and hearing. In making a determination regarding a substance, the department of health and  
4 senior services shall consider the following:

5 (1) The actual or relative potential for abuse;

- 6 (2) The scientific evidence of its pharmacological effect, if known;  
7 (3) The state of current scientific knowledge regarding the substance;  
8 (4) The history and current pattern of abuse;  
9 (5) The scope, duration, and significance of abuse;  
10 (6) The risk to the public health;  
11 (7) The potential of the substance to produce psychic or physiological dependence  
12 liability; and  
13 (8) Whether the substance is an immediate precursor of a substance already controlled  
14 under [sections 195.005 to 195.425] **this chapter**.
- 15 2. After considering the factors enumerated in subsection 1 of this section the department  
16 of health and senior services shall make findings with respect thereto and issue a rule controlling  
17 the substance if it finds the substance has a potential for abuse.
- 18 3. If the department of health and senior services designates a substance as an immediate  
19 precursor, substances which are precursors of the controlled precursor shall not be subject to  
20 control solely because they are precursors of the controlled precursor.
- 21 4. If any substance is designated, rescheduled, or deleted as a controlled substance under  
22 federal law and notice thereof is given to the department of health and senior services, the  
23 department of health and senior services shall similarly control the substance under [sections  
24 195.005 to 195.425] **this chapter** after the expiration of thirty days from publication in the  
25 federal register of a final order designating a substance as a controlled substance or rescheduling  
26 or deleting a substance, unless within that thirty-day period, the department of health and senior  
27 services objects to inclusion, rescheduling, or deletion. In that case, the department of health and  
28 senior services shall publish the reasons for objection and afford all interested parties an  
29 opportunity to be heard. At the conclusion of the hearing, the department of health and senior  
30 services shall publish its decision, which shall be final unless altered by statute. Upon  
31 publication of objection to inclusion, rescheduling or deletion under [sections 195.005 to  
32 195.425] **this chapter** by the department of health and senior services, control under [sections  
33 195.005 to 195.425] **this chapter** is stayed as to the substance in question until the department  
34 of health and senior services publishes its decision.
- 35 5. The department of health and senior services shall exclude any nonnarcotic substance  
36 from a schedule if such substance may, under the federal Food, Drug, and Cosmetic Act and the  
37 law of this state, be lawfully sold over the counter without a prescription.
- 38 6. The department of health and senior services shall prepare a list of all drugs falling  
39 within the purview of controlled substances. Upon preparation, a copy of the list shall be filed  
40 in the office of the secretary of state.

195.016. The controlled substances listed or to be listed in the schedules in [sections  
2 195.005 to 195.425] **section 195.017** are included by whatever official, common, usual,  
3 chemical, or trade name designated.

- 195.017. 1. The department of health and senior services shall place a substance in  
2 Schedule I if it finds that the substance:  
3 (1) Has high potential for abuse; and  
4 (2) Has no accepted medical use in treatment in the United States or lacks accepted  
5 safety for use in treatment under medical supervision.
- 6 2. Schedule I:  
7 (1) The controlled substances listed in this subsection are included in Schedule I;  
8 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts  
9 of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these  
10 isomers, esters, ethers and salts is possible within the specific chemical designation:
- 11 (a) Acetyl-alpha-methylfentanyl;
  - 12 (b) Acetylmethadol;
  - 13 (c) Allylprodine;
  - 14 (d) Alphacetylmethadol;
  - 15 (e) Alphameprodine;
  - 16 (f) Alphamethadol;
  - 17 (g) Alpha-methylfentanyl;
  - 18 (h) Alpha-methylthiofentanyl;
  - 19 (i) Benzethidine;
  - 20 (j) Betacetylmethadol;
  - 21 (k) Beta-hydroxyfentanyl;
  - 22 (l) Beta-hydroxy-3-methylfentanyl;
  - 23 (m) Betameprodine;
  - 24 (n) Betamethadol;
  - 25 (o) Betaprodine;
  - 26 (p) Clonitazene;
  - 27 (q) Dextromoramide;
  - 28 (r) Diampromide;
  - 29 (s) Diethylthiambutene;
  - 30 (t) Difenoxin;
  - 31 (u) Dimenoxadol;
  - 32 (v) Dimepheptanol;
  - 33 (w) Dimethylthiambutene;
  - 34 (x) Dioxaphetyl butyrate;
  - 35 (y) Dipipanone;
  - 36 (z) Ethylmethylthiambutene;
  - 37 (aa) Etonitazene;
  - 38 (bb) Etoxeridine;

- 39 (cc) Furethidine;
- 40 (dd) Hydroxypethidine;
- 41 (ee) Ketobemidone;
- 42 (ff) Levomoramide;
- 43 (gg) Levophenacylmorphane;
- 44 (hh) 3-Methylfentanyl;
- 45 (ii) 3-Methylthiofentanyl;
- 46 (jj) Morpheridine;
- 47 (kk) MPPP;
- 48 (ll) Noracymethadol;
- 49 (mm) Norlevorphanol;
- 50 (nn) Normethadone;
- 51 (oo) Norpipanone;
- 52 (pp) Para-fluorofentanyl;
- 53 (qq) PEPAP;
- 54 (rr) Phenadoxone;
- 55 (ss) Phenampromide;
- 56 (tt) Phenomorphan;
- 57 (uu) Phenoperidine;
- 58 (vv) Piritramide;
- 59 (ww) Proheptazine;
- 60 (xx) Properidine;
- 61 (yy) Propiram;
- 62 (zz) Racemoramide;
- 63 (aaa) Thiofentanyl;
- 64 (bbb) Tilidine;
- 65 (ccc) Trimeperidine;

66 (3) Any of the following opium derivatives, their salts, isomers and salts of isomers  
67 unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers  
68 is possible within the specific chemical designation:

- 69 (a) Acetorphine;
- 70 (b) Acetyldihydrocodeine;
- 71 (c) Benzylmorphine;
- 72 (d) Codeine methylbromide;
- 73 (e) Codeine-N-Oxide;
- 74 (f) Cyprenorphine;
- 75 (g) Desomorphine;
- 76 (h) Dihydromorphine;

- 77 (i) Drotebanol;
- 78 (j) Etorphine (except hydrochloride salt);
- 79 (k) Heroin;
- 80 (l) Hydromorphenol;
- 81 (m) Methyldesorphine;
- 82 (n) Methyldihydromorphine;
- 83 (o) Morphine methylbromide;
- 84 (p) Morphine methylsulfonate;
- 85 (q) Morphine-N-Oxide;
- 86 (r) Myrophine;
- 87 (s) Nicocodeine;
- 88 (t) Nicomorphine;
- 89 (u) Normorphine;
- 90 (v) Pholcodine;
- 91 (w) Thebacon;
- 92 (4) Any material, compound, mixture or preparation which contains any quantity of the
- 93 following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically
- 94 excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within
- 95 the specific chemical designation:
  - 96 (a) 4-bromo-2, 5-dimethoxyamphetamine;
  - 97 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
  - 98 (c) 2,5-dimethoxyamphetamine;
  - 99 (d) 2,5-dimethoxy-4-ethylamphetamine;
  - 100 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
  - 101 (f) 4-methoxyamphetamine;
  - 102 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
  - 103 (h) 4-methyl-2, 5-dimethoxyamphetamine;
  - 104 (i) 3,4-methylenedioxyamphetamine;
  - 105 (j) 3,4-methylenedioxymethamphetamine;
  - 106 (k) 3,4-methylenedioxy-N-ethylamphetamine;
  - 107 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
  - 108 (m) 3,4,5-trimethoxyamphetamine;
  - 109 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts of
  - 110 isomers;
  - 111 (o) Alpha-ethyltryptamine;
  - 112 (p) Alpha-methyltryptamine;
  - 113 (q) Bufotenine;
  - 114 (r) Diethyltryptamine;

- 115 (s) Dimethyltryptamine;  
116 (t) 5-methoxy-N,N-diisopropyltryptamine;  
117 (u) Ibogaine;  
118 (v) Lysergic acid diethylamide;  
119 (w) Marijuana or marihuana;  
120 (x) Mescaline;  
121 (y) Parahexyl;  
122 (z) Peyote, to include all parts of the plant presently classified botanically as *Lophophora*  
123 *Williamsii* Lemaire, whether growing or not; the seeds thereof; any extract from any part of such  
124 plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant,  
125 its seed or extracts;  
126 (aa) N-ethyl-3-piperidyl benzilate;  
127 (bb) N-methyl-3-piperidyl benzilate;  
128 (cc) Psilocybin;  
129 (dd) Psilocyn;  
130 (ee) Tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis*  
131 (*cannabis* plant), as well as synthetic equivalents of the substances contained in the *cannabis*  
132 plant, or in the resinous extractives of such plant, or synthetic substances, derivatives, and their  
133 isomers with similar chemical structure and pharmacological activity to those substances  
134 contained in the plant, such as the following:  
135 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;  
136 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;  
137 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;  
138 d. Any compounds of these structures, regardless of numerical designation of atomic  
139 positions covered;  
140 (ff) Ethylamine analog of phencyclidine;  
141 (gg) Pyrrolidine analog of phencyclidine;  
142 (hh) Thiophene analog of phencyclidine;  
143 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;  
144 (jj) *Salvia divinorum*;  
145 (kk) Salvinorin A;  
146 (ll) Synthetic cannabinoids:  
147 a. Any compound structurally derived from 3-(1-naphthoyl)indole or  
148 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by  
149 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl  
150 or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any  
151 extent, whether or not substituted in the naphthyl ring to any extent. Including, but not limited  
152 to:

- 153 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;  
154 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;  
155 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;  
156 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;  
157 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;  
158 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;  
159 (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;  
160 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;  
161 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;  
162 (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;  
163 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;  
164 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;  
165 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by substitution at the  
166 nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
167 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further  
168 substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any  
169 extent;  
170 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution  
171 at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
172 cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or  
173 not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl  
174 ring to any extent;  
175 d. Any compound structurally derived from 3-phenylacetylindole by substitution at the  
176 nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
177 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or not further  
178 substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any  
179 extent. Including, but not limited to:  
180 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;  
181 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;  
182 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;  
183 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;  
184 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;  
185 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by  
186 substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,  
187 cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group, whether or  
188 not substituted in the cyclohexyl ring to any extent. Including, but not limited to:  
189 (i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-  
190 yl)phenol), where side chain n=5, and homologues where side chain n=4,6, or 7;

- 191 f. Any compound containing a 3-(benzoyl)indole structure with substitution at the  
192 nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
193 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further  
194 substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to  
195 any extent. Including, but not limited to:
- 196 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;  
197 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;
- 198 g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-  
199 yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 200 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-  
201 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 202 i. HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-  
203 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 204 j. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-  
205 yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 206 k. Dimethylheptylpyran, or DMHP;
- 207 (5) Any material, compound, mixture or preparation containing any quantity of the  
208 following substances having a depressant effect on the central nervous system, including their  
209 salts, isomers and salts of isomers whenever the existence of these salts, isomers and salts of  
210 isomers is possible within the specific chemical designation:
- 211 (a) Gamma-hydroxybutyric acid;  
212 (b) Mecloqualone;  
213 (c) Methaqualone;
- 214 (6) Any material, compound, mixture or preparation containing any quantity of the  
215 following substances having a stimulant effect on the central nervous system, including their  
216 salts, isomers and salts of isomers:
- 217 (a) Aminorex;  
218 (b) N-benzylpiperazine;  
219 (c) Cathinone;  
220 (d) Fenethylline;  
221 (e) 3-Fluoromethcathinone;  
222 (f) 4-Fluoromethcathinone;  
223 (g) Mephedrone, or 4-methylmethcathinone;  
224 (h) Methcathinone;  
225 (i) 4-methoxymethcathinone;  
226 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazoline);  
227 (k) Methylenedioxypropylvalerone, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-  
228 pyrrolidinyl)-1-pentanone);



- 229 (l) Methylone, or 3,4-Methylenedioxymethcathinone;  
230 (m) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;  
231 (n) N-ethylamphetamine;  
232 (o) N,N-dimethylamphetamine;
- 233 (7) A temporary listing of substances subject to emergency scheduling under federal law  
234 shall include any material, compound, mixture or preparation which contains any quantity of the  
235 following substances:
- 236 (a) N-(1-benzyl-4-piperidyl)-N phenylpropanamide (benzylfentanyl), its optical isomers,  
237 salts and salts of isomers;
- 238 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its  
239 optical isomers, salts and salts of isomers;
- 240 (8) Khat, to include all parts of the plant presently classified botanically as *catha edulis*,  
241 whether growing or not; the seeds thereof; any extract from any part of such plant; and every  
242 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed or extracts.
- 243 3. The department of health and senior services shall place a substance in Schedule II  
244 if it finds that:
- 245 (1) The substance has high potential for abuse;
- 246 (2) The substance has currently accepted medical use in treatment in the United States,  
247 or currently accepted medical use with severe restrictions; and
- 248 (3) The abuse of the substance may lead to severe psychic or physical dependence.
- 249 4. The controlled substances listed in this subsection are included in Schedule II:
- 250 (1) Any of the following substances whether produced directly or indirectly by extraction  
251 from substances of vegetable origin, or independently by means of chemical synthesis, or by  
252 combination of extraction and chemical synthesis:
- 253 (a) Opium and opiate and any salt, compound, derivative or preparation of opium or  
254 opiate, excluding apomorphine, thebaine-derived butorphanol, dextrophan, nalbuphine,  
255 nalmeferene, naloxone and naltrexone, and their respective salts but including the following:
- 256 a. Raw opium;
- 257 b. Opium extracts;
- 258 c. Opium fluid;
- 259 d. Powdered opium;
- 260 e. Granulated opium;
- 261 f. Tincture of opium;
- 262 g. Codeine;
- 263 h. Ethylmorphine;
- 264 i. Etorphine hydrochloride;
- 265 j. Hydrocodone;
- 266 k. Hydromorphone;

- 267 l. Metopon;  
268 m. Morphine;  
269 n. Oxycodone;  
270 o. Oxymorphone;  
271 p. Thebaine;
- 272 (b) Any salt, compound, derivative, or preparation thereof which is chemically  
273 equivalent or identical with any of the substances referred to in this subdivision, but not  
274 including the isoquinoline alkaloids of opium;
- 275 (c) Opium poppy and poppy straw;
- 276 (d) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and  
277 any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical  
278 with any of these substances, but not including decocainized coca leaves or extractions which  
279 do not contain cocaine or ecgonine;
- 280 (e) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid  
281 or powder form which contains the phenanthrene alkaloids of the opium poppy);
- 282 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and salts  
283 of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within  
284 the specific chemical designation, dextrorphan and levopropoxyphene excepted:
- 285 (a) Alfentanil;  
286 (b) Alphaprodine;  
287 (c) Anileridine;  
288 (d) Bezitramide;  
289 (e) Bulk dextropropoxyphene;  
290 (f) Carfentanil;  
291 (g) Dihydrocodeine;  
292 (h) Diphenoxylate;  
293 (i) Fentanyl;  
294 (j) Isomethadone;  
295 (k) Levo-alphacetylmethadol;  
296 (l) Levomethorphan;  
297 (m) Levorphanol;  
298 (n) Metazocine;  
299 (o) Methadone;  
300 (p) Meperidine;  
301 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;  
302 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane--carboxylic  
303 acid;  
304 (s) Pethidine (meperidine);

- 305 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;  
306 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;  
307 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;  
308 (w) Phenazocine;  
309 (x) Piminodine;  
310 (y) Racemethorphan;  
311 (z) Racemorphan;  
312 (aa) Remifentanyl;  
313 (bb) Sufentanyl;  
314 (cc) Tapentadol;  
315 (3) Any material, compound, mixture, or preparation which contains any quantity of the  
316 following substances having a stimulant effect on the central nervous system:  
317 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;  
318 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;  
319 (c) Methamphetamine, its salts, isomers, and salts of its isomers;  
320 (d) Phenmetrazine and its salts;  
321 (e) Methylphenidate;  
322 (4) Any material, compound, mixture, or preparation which contains any quantity of the  
323 following substances having a depressant effect on the central nervous system, including its salts,  
324 isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers  
325 is possible within the specific chemical designation:  
326 (a) Amobarbital;  
327 (b) Glutethimide;  
328 (c) Pentobarbital;  
329 (d) Phencyclidine;  
330 (e) Secobarbital;  
331 (5) Any material or compound which contains any quantity of nabilone;  
332 (6) Any material, compound, mixture, or preparation which contains any quantity of the  
333 following substances:  
334 (a) Immediate precursor to amphetamine and methamphetamine: Phenylacetone;  
335 (b) Immediate precursors to phencyclidine (PCP):  
336 a. 1-phenylcyclohexylamine;  
337 b. 1-piperidinocyclohexanecarbonitrile (PCC);  
338 (7) Any material, compound, mixture, or preparation which contains any quantity of the  
339 following alkyl nitrites:  
340 (a) Amyl nitrite;  
341 (b) Butyl nitrite.

342           5. The department of health and senior services shall place a substance in Schedule III  
343 if it finds that:

344           (1) The substance has a potential for abuse less than the substances listed in Schedules  
345 I and II;

346           (2) The substance has currently accepted medical use in treatment in the United States;  
347 and

348           (3) Abuse of the substance may lead to moderate or low physical dependence or high  
349 psychological dependence.

350           6. The controlled substances listed in this subsection are included in Schedule III:

351           (1) Any material, compound, mixture, or preparation which contains any quantity of the  
352 following substances having a potential for abuse associated with a stimulant effect on the  
353 central nervous system:

354           (a) Benzphetamine;

355           (b) Chlorphentermine;

356           (c) Clortermine;

357           (d) Phendimetrazine;

358           (2) Any material, compound, mixture or preparation which contains any quantity or salt  
359 of the following substances or salts having a depressant effect on the central nervous system:

360           (a) Any material, compound, mixture or preparation which contains any quantity or salt  
361 of the following substances combined with one or more active medicinal ingredients:

362           a. Amobarbital;

363           b. Secobarbital;

364           c. Pentobarbital;

365           (b) Any suppository dosage form containing any quantity or salt of the following:

366           a. Amobarbital;

367           b. Secobarbital;

368           c. Pentobarbital;

369           (c) Any substance which contains any quantity of a derivative of barbituric acid or its  
370 salt;

371           (d) Chlorhexadol;

372           (e) Embutramide;

373           (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers contained in  
374 a drug product for which an application has been approved under Section 505 of the federal  
375 Food, Drug, and Cosmetic Act;

376           (g) Ketamine, its salts, isomers, and salts of isomers;

377           (h) Lysergic acid;

378           (i) Lysergic acid amide;

379           (j) Methyprylon;

- 380 (k) Sulfondiethylmethane;  
381 (l) Sulfonethylmethane;  
382 (m) Sulfonmethane;  
383 (n) Tiletamine and zolazepam or any salt thereof;  
384 (3) Nalorphine;  
385 (4) Any material, compound, mixture, or preparation containing limited quantities of any  
386 of the following narcotic drugs or their salts:  
387 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more than  
388 ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid  
389 of opium;  
390 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more than  
391 ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients in recognized  
392 therapeutic amounts;  
393 (c) Not more than three hundred milligrams of hydrocodone per one hundred milliliters  
394 or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an  
395 isoquinoline alkaloid of opium;  
396 (d) Not more than three hundred milligrams of hydrocodone per one hundred milliliters  
397 or not more than fifteen milligrams per dosage unit, with one or more active nonnarcotic  
398 ingredients in recognized therapeutic amounts;  
399 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not more  
400 than ninety milligrams per dosage unit, with one or more active nonnarcotic ingredients in  
401 recognized therapeutic amounts;  
402 (f) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters  
403 or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic  
404 ingredients in recognized therapeutic amounts;  
405 (g) Not more than five hundred milligrams of opium per one hundred milliliters or per  
406 one hundred grams or not more than twenty-five milligrams per dosage unit, with one or more  
407 active nonnarcotic ingredients in recognized therapeutic amounts;  
408 (h) Not more than fifty milligrams of morphine per one hundred milliliters or per one  
409 hundred grams, with one or more active, nonnarcotic ingredients in recognized therapeutic  
410 amounts;  
411 (5) Any material, compound, mixture, or preparation containing any of the following  
412 narcotic drugs or their salts, as set forth in subdivision (6) of this subsection; buprenorphine;  
413 (6) Anabolic steroids. Any drug or hormonal substance, chemically and  
414 pharmacologically related to testosterone (other than estrogens, progestins, corticosteroids, and  
415 dehydroepiandrosterone) that promotes muscle growth, except an anabolic steroid which is  
416 expressly intended for administration through implants to cattle or other nonhuman species and  
417 which has been approved by the Secretary of Health and Human Services for that administration.

418 If any person prescribes, dispenses, or distributes such steroid for human use, such person shall  
419 be considered to have prescribed, dispensed, or distributed an anabolic steroid within the  
420 meaning of this subdivision. Unless specifically excepted or unless listed in another schedule,  
421 any material, compound, mixture or preparation containing any quantity of the following  
422 substances, including its salts, esters and ethers:

- 423 (a) 3 $\beta$ ,17-dihydroxy-5 $\alpha$ -androstane;
- 424 (b) 3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane;
- 425 (c) 5 $\alpha$ -androstan-3,17-dione;
- 426 (d) 1-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);
- 427 (e) 1-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);
- 428 (f) 4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-4-ene);
- 429 (g) 5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-5-ene);
- 430 (h) 1-androstenedione ([5 $\alpha$ ]-androst-1-en-3,17-dione);
- 431 (i) 4-androstenedione (androst-4-en-3,17-dione);
- 432 (j) 5-androstenedione (androst-5-en-3,17-dione);
- 433 (k) Bolasterone (7 $\alpha$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- 434 (l) Boldenone (17 $\beta$ -hydroxyandrost-1,4,-diene-3-one);
- 435 (m) Boldione;
- 436 (n) Calusterone (7 $\beta$ , 17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- 437 (o) Clostebol (4-chloro-17 $\beta$ -hydroxyandrost-4-en-3-one);
- 438 (p) Dehydrochloromethyltestosterone (4-chloro-17 $\beta$ -hydroxy-17 $\alpha$ -methyl-androst-1,4-  
439 dien-3-one);
- 440 (q) Desoxymethyltestosterone;
- 441 (r)  $\Delta$ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);
- 442 (s) 4-dihydrotestosterone (17 $\beta$ -hydroxy-androstan-3-one);
- 443 (t) Drostanolone (17 $\beta$ -hydroxy-2 $\alpha$ -methyl-5 $\alpha$ -androstan-3-one);
- 444 (u) Ethylestrenol (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-ene);
- 445 (v) Fluoxymesterone (9-fluoro-17 $\alpha$ -methyl-11 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-en-3-one);
- 446 (w) Formebolone (2-formyl-17 $\alpha$ -methyl-11 $\alpha$ ,17 $\beta$ -dihydroxyandrost-1,4-dien-3-one);
- 447 (x) Furazabol (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrostano[2,3-c]-furazan);
- 448 (y) 13 $\beta$ -ethyl-17 $\beta$ -hydroxygon-4-en-3-one;
- 449 (z) 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-androst-4-en-3-one);
- 450 (aa) 4-hydroxy-19-nortestosterone (4,17 $\beta$ -dihydroxy-estr-4-en-3-one);
- 451 (bb) Mestanolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androstan-3-one);
- 452 (cc) Mesterolone (1 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one);
- 453 (dd) Methandienone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-1,4-dien-3-one);
- 454 (ee) Methandriol (17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-5-ene);
- 455 (ff) Methenolone (1-methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);

456 (gg) 17a-methyl-3 $\beta$ ,17 $\beta$ -dihydroxy-5a-androstane);  
457 (hh) 17a-methyl-3a,17 $\beta$ -dihydroxy-5a-androstane);  
458 (ii) 17a-methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-ene;  
459 (jj) 17a-methyl-4-hydroxynandrolone (17a-methyl-4-hydroxy-17 $\beta$ -hydroxyestr-4-en-3-  
460 one);  
461 (kk) Methyldienolone (17a-methyl-17 $\beta$ -hydroxyestra-4,9(10)-dien-3-one);  
462 (ll) Methyltrienolone (17a-methyl-17 $\beta$ -hydroxyestra-4,9,11-trien-3-one);  
463 (mm) Methyltestosterone (17a-methyl-17 $\beta$ -hydroxyandrost-4-en-3-one);  
464 (nn) Mibolerone (7a,17a-dimethyl-17 $\beta$ -hydroxyestr-4-en-3-one);  
465 (oo) 17 $\alpha$ -methyl- $\Delta$ 1-dihydrotestosterone (17 $\beta$ -hydroxy-17 $\alpha$ -methyl-5 $\alpha$ -androst-1-en-3-  
466 one) (a.k.a. '17- $\alpha$ -methyl-1-testosterone');  
467 (pp) Nandrolone (17 $\beta$ -hydroxyestr-4-ene-3-one);  
468 (qq) 19-nor-4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-4-ene);  
469 (rr) 19-nor-4-androstenediol (3a,17 $\beta$ -dihydroxyestr-4-ene);  
470 (ss) 19-nor-4,9(10)-androstadienedione;  
471 (tt) 19-nor-5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-5-ene);  
472 (uu) 19-nor-5-androstenediol (3a,17 $\beta$ -dihydroxyestr-5-ene);  
473 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);  
474 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);  
475 (xx) Norbolethone (13 $\beta$ ,17a-diethyl-17 $\beta$ -hydroxygon-4-en-3-one);  
476 (yy) Norclostebol (4-chloro-17 $\beta$ -hydroxyestr-4-en-3-one);  
477 (zz) Norethandrolone (17a-ethyl-17 $\beta$ -hydroxyestr-4-en-3-one);  
478 (aaa) Normethandrolone (17a-methyl-17 $\beta$ -hydroxyestr-4-en-3-one);  
479 (bbb) Oxandrolone (17a-methyl-17 $\beta$ -hydroxy-2-oxa-[5a]-androstan-3-one);  
480 (ccc) Oxymesterone (17a-methyl-4,17 $\beta$ -dihydroxyandrost-4-en-3-one);  
481 (ddd) Oxymethalone (17a-methyl-2-hydroxymethylene-17 $\beta$ -hydroxy-[5a]-androstan-3-  
482 one);  
483 (eee) Stanozolol (17a-methyl-17 $\beta$ -hydroxy-[5a]-androst-2-eno[3,2-c]-pyrazole);  
484 (fff) Stenbolone (17 $\beta$ -hydroxy-2-methyl-[5a]-androst-1-en-3-one);  
485 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrost-1,4-dien-17-oic acid lactone);  
486 (hhh) Testosterone (17 $\beta$ -hydroxyandrost-4-en-3-one);  
487 (iii) Tetrahydrogestrinone (13 $\beta$ ,17a-diethyl-17 $\beta$ -hydroxygon-4,9,11-trien-3-one);  
488 (jjj) Trenbolone (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one);  
489 (kkk) Any salt, ester, or ether of a drug or substance described or listed in this  
490 subdivision, except an anabolic steroid which is expressly intended for administration through  
491 implants to cattle or other nonhuman species and which has been approved by the Secretary of  
492 Health and Human Services for that administration;

(7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product;

(8) The department of health and senior services may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subdivisions (1) and (2) of this subsection from the application of all or any part of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

7. The department of health and senior services shall place a substance in Schedule IV if it finds that:

(1) The substance has a low potential for abuse relative to substances in Schedule III;

(2) The substance has currently accepted medical use in treatment in the United States;

and

(3) Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III.

8. The controlled substances listed in this subsection are included in Schedule IV:

(1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(a) Not more than one milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit;

(b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxybutane);

(c) Any of the following limited quantities of narcotic drugs or their salts, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

a. Not more than two hundred milligrams of codeine per one hundred milliliters or per one hundred grams;

b. Not more than one hundred milligrams of dihydrocodeine per one hundred milliliters or per one hundred grams;

c. Not more than one hundred milligrams of ethylmorphine per one hundred milliliters or per one hundred grams;

(2) Any material, compound, mixture or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:



- 531 (a) Alprazolam;
- 532 (b) Barbitol;
- 533 (c) Bromazepam;
- 534 (d) Camazepam;
- 535 (e) Chloral betaine;
- 536 (f) Chloral hydrate;
- 537 (g) Chlordiazepoxide;
- 538 (h) Clobazam;
- 539 (i) Clonazepam;
- 540 (j) Clorazepate;
- 541 (k) Clotiazepam;
- 542 (l) Cloxazolam;
- 543 (m) Delorazepam;
- 544 (n) Diazepam;
- 545 (o) Dichloralphenazone;
- 546 (p) Estazolam;
- 547 (q) Ethchlorvynol;
- 548 (r) Ethinamate;
- 549 (s) Ethyl loflazepate;
- 550 (t) Fludiazepam;
- 551 (u) Flunitrazepam;
- 552 (v) Flurazepam;
- 553 (w) Fospropofol;
- 554 (x) Halazepam;
- 555 (y) Haloxazolam;
- 556 (z) Ketazolam;
- 557 (aa) Loprazolam;
- 558 (bb) Lorazepam;
- 559 (cc) Lormetazepam;
- 560 (dd) Mebutamate;
- 561 (ee) Medazepam;
- 562 (ff) Meprobamate;
- 563 (gg) Methohexital;
- 564 (hh) Methylphenobarbital (mephobarbital);
- 565 (ii) Midazolam;
- 566 (jj) Nimetazepam;
- 567 (kk) Nitrazepam;
- 568 (ll) Nordiazepam;

569 (mm) Oxazepam;  
570 (nn) Oxazolam;  
571 (oo) Paraldehyde;  
572 (pp) Petrichloral;  
573 (qq) Phenobarbital;  
574 (rr) Pinazepam;  
575 (ss) Prazepam;  
576 (tt) Quazepam;  
577 (uu) Temazepam;  
578 (vv) Tetrazepam;  
579 (ww) Triazolam;  
580 (xx) Zaleplon;  
581 (yy) Zolpidem;  
582 (zz) Zopiclone;

583 (3) Any material, compound, mixture, or preparation which contains any quantity of the  
584 following substance including its salts, isomers and salts of isomers whenever the existence of  
585 such salts, isomers and salts of isomers is possible: fenfluramine;

586 (4) Any material, compound, mixture or preparation containing any quantity of the  
587 following substances having a stimulant effect on the central nervous system, including their  
588 salts, isomers and salts of isomers:

589 (a) Cathine ((+)-norpseudoephedrine);  
590 (b) Diethylpropion;  
591 (c) Fencamfamin;  
592 (d) Fenproporex;  
593 (e) Mazindol;  
594 (f) Mefenorex;  
595 (g) Modafinil;  
596 (h) Pemoline, including organometallic complexes and chelates thereof;  
597 (i) Phentermine;  
598 (j) Pipradrol;  
599 (k) Sibutramine;  
600 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);

601 (5) Any material, compound, mixture or preparation containing any quantity of the  
602 following substance, including its salts:

603 (a) butorphanol;  
604 (b) pentazocine;

605 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the substance  
606 is the only active medicinal ingredient;

607 (7) The department of health and senior services may except by rule any compound,  
608 mixture, or preparation containing any depressant substance listed in subdivision (1) of this  
609 subsection from the application of all or any part of sections 195.010 to 195.320 if the  
610 compound, mixture, or preparation contains one or more active medicinal ingredients not having  
611 a depressant effect on the central nervous system, and if the admixtures are included therein in  
612 combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the  
613 substances which have a depressant effect on the central nervous system.

614 9. The department of health and senior services shall place a substance in Schedule V  
615 if it finds that:

616 (1) The substance has low potential for abuse relative to the controlled substances listed  
617 in Schedule IV;

618 (2) The substance has currently accepted medical use in treatment in the United States;  
619 and

620 (3) The substance has limited physical dependence or psychological dependence liability  
621 relative to the controlled substances listed in Schedule IV.

622 10. The controlled substances listed in this subsection are included in Schedule V:

623 (1) Any compound, mixture or preparation containing any of the following narcotic  
624 drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set  
625 forth below, which also contains one or more nonnarcotic active medicinal ingredients in  
626 sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal  
627 qualities other than those possessed by the narcotic drug alone:

628 (a) Not more than two and five-tenths milligrams of diphenoxylate and not less than  
629 twenty-five micrograms of atropine sulfate per dosage unit;

630 (b) Not more than one hundred milligrams of opium per one hundred milliliters or per  
631 one hundred grams;

632 (c) Not more than five-tenths milligram of difenoxin and not less than twenty-five  
633 micrograms of atropine sulfate per dosage unit;

634 (2) Any material, compound, mixture or preparation which contains any quantity of the  
635 following substance having a stimulant effect on the central nervous system including its salts,  
636 isomers and salts of isomers: pyrovalerone;

637 (3) Any compound, mixture, or preparation containing any detectable quantity of  
638 pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any compound,  
639 mixture, or preparation containing any detectable quantity of ephedrine or its salts or optical  
640 isomers, or salts of optical isomers;

641 (4) Unless specifically exempted or excluded or unless listed in another schedule, any  
642 material, compound, mixture, or preparation which contains any quantity of the following  
643 substances having a depressant effect on the central nervous system, including its salts:

644 (a) Lacosamide;

645 (b) Pregabalin.

646 11. If any compound, mixture, or preparation as specified in subdivision (3) of  
647 subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a  
648 prescription:

649 (1) All packages of any compound, mixture, or preparation containing any detectable  
650 quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine,  
651 its salts or optical isomers, or salts of optical isomers, shall be offered for sale only from behind  
652 a pharmacy counter where the public is not permitted, and only by a registered pharmacist or  
653 registered pharmacy technician; and

654 (2) Any person purchasing, receiving or otherwise acquiring any compound, mixture,  
655 or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers,  
656 or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers  
657 shall be at least eighteen years [of age] **old**; and

658 (3) The pharmacist, intern pharmacist, or registered pharmacy technician shall require  
659 any person, prior to their purchasing, receiving or otherwise acquiring such compound, mixture,  
660 or preparation to furnish suitable photo identification that is issued by a state or the federal  
661 government or a document that, with respect to identification, is considered acceptable and  
662 showing the date of birth of the person;

663 (4) The seller shall deliver the product directly into the custody of the purchaser.

664 12. Pharmacists, intern pharmacists, and registered pharmacy technicians shall  
665 implement and maintain an electronic log of each transaction. Such log shall include the  
666 following information:

667 (1) The name, address, and signature of the purchaser;

668 (2) The amount of the compound, mixture, or preparation purchased;

669 (3) The date and time of each purchase; and

670 (4) The name or initials of the pharmacist, intern pharmacist, or registered pharmacy  
671 technician who dispensed the compound, mixture, or preparation to the purchaser.

672 13. Each pharmacy shall submit information regarding sales of any compound, mixture,  
673 or preparation as specified in subdivision (3) of subsection 10 of this section in accordance with  
674 transmission methods and frequency established by the department by regulation;

675 14. No person shall dispense, sell, purchase, receive, or otherwise acquire quantities  
676 greater than those specified in this chapter.

677 15. All persons who dispense or offer for sale pseudoephedrine and ephedrine products  
678 in a pharmacy shall ensure that all such products are located only behind a pharmacy counter  
679 where the public is not permitted.

680 16. [Any person who knowingly or recklessly violates] **The penalties for a knowing**  
681 **or reckless violation of the provisions of subsections 11 to 15 of this section [is guilty of a class**  
682 **A misdemeanor] are found in section 579.060.**

683           17. The scheduling of substances specified in subdivision (3) of subsection 10 of this  
684 section and subsections 11, 12, 14, and 15 of this section shall not apply to any compounds,  
685 mixtures, or preparations that are in liquid or liquid-filled gel capsule form or to any compound,  
686 mixture, or preparation specified in subdivision (3) of subsection 10 of this section which must  
687 be dispensed, sold, or distributed in a pharmacy pursuant to a prescription.

688           18. The manufacturer of a drug product or another interested party may apply with the  
689 department of health and senior services for an exemption from this section. The department of  
690 health and senior services may grant an exemption by rule from this section if the department  
691 finds the drug product is not used in the illegal manufacture of methamphetamine or other  
692 controlled or dangerous substances. The department of health and senior services shall rely on  
693 reports from law enforcement and law enforcement evidentiary laboratories in determining if the  
694 proposed product can be used to manufacture illicit controlled substances.

695           19. The department of health and senior services shall revise and republish the schedules  
696 annually.

697           20. The department of health and senior services shall promulgate rules under chapter  
698 536 regarding the security and storage of Schedule V controlled substances, as described in  
699 subdivision (3) of subsection 10 of this section, for distributors as registered by the department  
700 of health and senior services.

701           21. Logs of transactions required to be kept and maintained by this section and section  
702 195.417 shall create a rebuttable presumption that the person whose name appears in the logs is  
703 the person whose transactions are recorded in the logs.

195.030. 1. The department of health and senior services upon public notice and hearing  
2 pursuant to this section and chapter 536 may promulgate rules and charge reasonable fees  
3 relating to the registration and control of the manufacture, distribution and dispensing of  
4 controlled substances within this state. No rule or portion of a rule promulgated pursuant to the  
5 authority of this chapter shall become effective unless it has been promulgated pursuant to the  
6 provisions of section 536.024.

7           2. No person shall manufacture, compound, mix, cultivate, grow, or by any other process  
8 produce or prepare, distribute, dispense or prescribe any controlled substance and no person as  
9 a wholesaler shall supply the same, without having first obtained a registration issued by the  
10 department of health and senior services in accordance with rules and regulations promulgated  
11 by it. No registration shall be granted for a term exceeding three years.

12           3. Persons registered by the department of health and senior services pursuant to  
13 [sections 195.005 to 195.425] **this chapter** to manufacture, distribute, or dispense or conduct  
14 research with controlled substances are authorized to possess, manufacture, distribute or dispense  
15 such substances, including any such activity in the conduct of research, to the extent authorized  
16 by their registration and in conformity with other provisions of [sections 195.005 to 195.425]  
17 **this chapter and chapter 579.**

18           4. The following persons shall not be required to register and may lawfully possess  
19 controlled substances pursuant to [sections 195.005 to 195.425] **this chapter**:

20           (1) An agent or employee, excluding physicians, dentists, optometrists, podiatrists or  
21 veterinarians, of any registered manufacturer, distributor, or dispenser of any controlled  
22 substance if such agent is acting in the usual course of his or her business or employment;

23           (2) A common or contract carrier or warehouseman, or an employee thereof, whose  
24 possession of any controlled substance is in the usual course of business or employment;

25           (3) An ultimate user or a person in possession of any controlled substance pursuant to  
26 a lawful order of a practitioner or in lawful possession of a Schedule V substance.

27           5. The department of health and senior services may, by regulation, waive the  
28 requirement for registration of certain manufacturers, distributors, or dispensers if it finds it  
29 consistent with the public health and safety.

30           6. A separate registration shall be required at each principal place of business or  
31 professional practice where the applicant manufactures, distributes, or dispenses controlled  
32 substances.

33           7. The department of health and senior services is authorized to inspect the establishment  
34 of a registrant or applicant in accordance with the provisions of [sections 195.005 to 195.425]  
35 **this chapter**.

          195.040. 1. No registration shall be issued under section 195.030 unless and until the  
2 applicant therefor has furnished proof satisfactory to the department of health and senior  
3 services:

4           (1) That the applicant is of good moral character or, if the applicant be an association or  
5 corporation, that the managing officers are of good moral character;

6           (2) That the applicant is equipped as to land, buildings, and paraphernalia properly to  
7 carry on the business described in his **or her** application.

8           2. No registration shall be granted to any person who has within two years been finally  
9 adjudicated and found guilty, or entered a plea of guilty or nolo contendere, in a criminal  
10 prosecution under the laws of any state or of the United States, for any misdemeanor offense or  
11 within seven years for any felony offense related to controlled substances. No registration shall  
12 be granted to any person who is abusing controlled substances.

13           3. The department of health and senior services shall register an applicant to  
14 manufacture, distribute or dispense controlled substances unless it determines that the issuance  
15 of that registration would be inconsistent with the public interest. In determining the public  
16 interest, the following factors shall be considered:

17           (1) Maintenance of effective controls against diversion of controlled substances into  
18 other than legitimate medical, scientific, or industrial channels;

19           (2) Compliance with applicable state and local law;

- 20 (3) Any convictions of an applicant under any federal or state laws relating to any  
21 controlled substance;
- 22 (4) Past experience in the manufacture or distribution of controlled substances and the  
23 existence in the applicant's establishment of effective controls against diversion;
- 24 (5) Furnishing by the applicant of false or fraudulent material information in any  
25 application filed under [sections 195.005 to 195.425] **this chapter**;
- 26 (6) Suspension or revocation of the applicant's federal registration to manufacture,  
27 distribute or dispense narcotics or controlled dangerous drugs as authorized by federal law; and
- 28 (7) Any other factors relevant to and consistent with the public health and safety.
- 29 4. Registration does not entitle a registrant to manufacture and distribute controlled  
30 substances in Schedule I or II other than those specified in the registration.
- 31 5. Practitioners shall be registered to dispense any controlled substance or to conduct  
32 research with controlled substances in Schedules II through V if they are authorized to dispense  
33 or conduct research under the laws of this state. The department of health and senior services  
34 need not require separate registration under [sections 195.005 to 195.425] **this chapter** for  
35 practitioners engaging in research with nonnarcotic substances in Schedules II through V where  
36 the registrant is already registered under [sections 195.005 to 195.425] **this chapter** in another  
37 capacity. Practitioners registered under federal law to conduct research with Schedule I  
38 substances may conduct research with Schedule I substances within this state upon furnishing  
39 the department of health and senior services evidence of that federal registration.
- 40 6. Compliance by manufacturers and distributors with the provisions of federal law  
41 respecting registration (excluding fees) shall entitle them to be registered under [sections 195.005  
42 to 195.425] **this chapter**.
- 43 7. A registration to manufacture, distribute, or dispense a controlled substance may be  
44 suspended or revoked by the department of health and senior services upon a finding that the  
45 registrant:
- 46 (1) Has furnished false or fraudulent material information in any application filed under  
47 [sections 195.005 to 195.425] **this chapter**;
- 48 (2) Has been convicted of a felony under any state or federal law relating to any  
49 controlled substance;
- 50 (3) Has had his **or her** federal registration to manufacture, distribute or dispense  
51 suspended or revoked;
- 52 (4) Has violated any federal controlled substances statute or regulation, or any provision  
53 of [sections 195.005 to 195.425] **this chapter or chapter 579** or regulation promulgated  
54 [pursuant to sections 195.005 to 195.425] **under this chapter**; or
- 55 (5) Has had the registrant's professional license to practice suspended or revoked.
- 56 8. The department of health and senior services may warn or censure a registrant; limit  
57 a registration to particular controlled substances or schedules of controlled substances; limit

58 revocation or suspension of a registration to a particular controlled substance with respect to  
59 which grounds for revocation or suspension exist; restrict or limit a registration under such terms  
60 and conditions as the department of health and senior services considers appropriate for a period  
61 of five years; suspend or revoke a registration for a period not to exceed five years; or deny an  
62 application for registration. In any order of revocation, the department of health and senior  
63 services may provide that the registrant may not apply for a new registration for a period of time  
64 ranging from one to five years following the date of the order of revocation. All stay orders shall  
65 toll this time period. Any registration placed under a limitation or restriction by the department  
66 of health and senior services shall be termed "under probation".

67         9. If the department of health and senior services suspends or revokes a registration, all  
68 controlled substances owned or possessed by the registrant at the time of suspension or the  
69 effective date of the revocation order may be placed under seal by such agency and held pending  
70 final disposition of the case. No disposition may be made of substances under seal until the time  
71 for taking an appeal has elapsed or until all appeals have been concluded, unless a court, upon  
72 application therefor, orders the sale of perishable substances and the deposit of the proceeds of  
73 the sale with the court. Upon a revocation order becoming final, all controlled substances may  
74 be forfeited to the state.

75         10. The department of health and senior services may, upon review, terminate any  
76 restriction or limitation previously imposed upon a registration by the department of health and  
77 senior services if the registrant has remained in compliance with the imposed restrictions or  
78 limitations and local, state and federal laws since the time the restrictions or limitations were  
79 imposed.

80         11. The department of health and senior services shall promptly notify the Drug  
81 Enforcement Administration, United States Department of Justice, or its successor agency, of  
82 all orders suspending or revoking registration and all forfeitures of controlled substances.

83         12. If after first providing the registrant an opportunity for an informal conference, the  
84 department of health and senior services proposes to deny, suspend, restrict, limit or revoke a  
85 registration or refuse a renewal of registration, the department of health and senior services shall  
86 serve upon the applicant or registrant written notice of the proposed action to be taken on the  
87 application or registration. The notice shall contain a statement of the type of discipline  
88 proposed, the basis therefor, the date such action shall go into effect and a statement that the  
89 registrant shall have thirty days to request in writing a hearing before the administrative hearing  
90 commission. If no written request for a hearing is received by the department of health and  
91 senior services within thirty days of the applicant's or registrant's receipt of the notice, the  
92 proposed discipline shall take effect thirty-one days from the date the original notice was  
93 received by the applicant or registrant. If the registrant or applicant makes a written request for  
94 a hearing, the department of health and senior services shall file a complaint with the  
95 administrative hearing commission within sixty days of receipt of the written request for a



96 hearing. The complaint shall comply with the laws and regulations for actions brought before  
97 the administrative hearing commission. The department of health and senior services may issue  
98 letters of censure or warning and may enter into agreements with a registrant or applicant which  
99 restrict or limit a registration without formal notice or hearing.

100       13. The department of health and senior services may suspend any registration  
101 simultaneously with the institution of proceedings under subsection 7 of this section if the  
102 department of health and senior services finds that there is imminent danger to the public health  
103 or safety which warrants this action. The suspension shall continue in effect until the conclusion  
104 of the proceedings, including review thereof, unless sooner withdrawn by the department of  
105 health and senior services, dissolved by a court of competent jurisdiction or stayed by the  
106 administrative hearing commission.

195.050. 1. A duly registered manufacturer or wholesaler may sell controlled substances  
2 to any of the following persons:

- 3       (1) To a manufacturer, wholesaler, or pharmacy;
- 4       (2) To a physician, dentist, podiatrist or veterinarian;
- 5       (3) To a person in charge of a hospital, but only for use in that hospital;
- 6       (4) To a person in charge of a laboratory, but only for use in that laboratory for scientific  
7 and medical purposes.

8       2. A duly registered manufacturer or wholesaler may sell controlled substances to any  
9 of the following persons:

- 10       (1) On a special written order accompanied by a certificate of exemption, as required by  
11 federal laws, to a person in the employ of the United States government or of any state,  
12 territorial, district, county, municipal or insular government, purchasing, receiving, possessing,  
13 or dispensing controlled substances by reason of his **or her** official duties;

- 14       (2) To a master of a ship or person in charge of any aircraft upon which no physician is  
15 regularly employed, for the actual medical needs of persons on board such ship or aircraft, when  
16 not in port; provided, such controlled substances shall be sold to the master of such ship or  
17 person in charge of such aircraft only in pursuance of a special order form approved by a  
18 commissioned medical officer or acting surgeon of the United States Public Health Service;

- 19       (3) To a person in a foreign country if the provisions of federal laws are complied with.

20       3. An official written order for any controlled substance listed in Schedules I and II shall  
21 be signed in duplicate by the person giving the order or by his **or her** duly authorized agent. The  
22 original shall be presented to the person who sells or dispenses the controlled substance named  
23 therein. In event of the acceptance of such order by the person, each party to the transaction shall  
24 preserve his **or her** copy of such order for a period of two years in such a way as to be readily  
25 accessible for inspection by any public officer or employee engaged in the enforcement of  
26 [sections 195.005 to 195.425] **this chapter or chapter 579**. It shall be deemed a compliance

27 with this subsection if the parties to the transaction have complied with federal laws, respecting  
28 the requirements governing the use of order forms.

29 4. Possession of or control of controlled substances obtained as authorized by this  
30 section shall be lawful if in the regular course of business, occupation, profession, employment,  
31 or duty of the possessor.

32 5. A person in charge of a hospital or of a laboratory, or in the employ of this state or of  
33 any other state, or of any political subdivision thereof, and a master or other proper officer of a  
34 ship or aircraft, who obtains controlled substances under the provisions of this section or  
35 otherwise, shall not administer, nor dispense, nor otherwise use such drugs, within this state,  
36 except within the scope of his **or her** employment or official duty, and then only for scientific  
37 or medicinal purposes and subject to the provisions of [sections 195.005 to 195.425] **this**  
38 **chapter and chapter 579.**

39 6. Every person registered to manufacture, distribute or dispense controlled substances  
40 under [sections 195.005 to 195.425] **this chapter** shall keep records and inventories of all such  
41 drugs in conformance with the record keeping and inventory requirements of federal law, and  
42 in accordance with any additional regulations of the department of health and senior services.

43 7. Manufacturers and wholesalers shall keep records of all narcotic and controlled  
44 substances compounded, mixed, cultivated, grown, or by any other process produced or prepared,  
45 and of all controlled substances received and disposed of by them, in accordance with this  
46 section.

47 8. Apothecaries shall keep records of all controlled substances received and disposed of  
48 by them, in accordance with the provisions of this section.

49 9. The form of records shall be prescribed by the department of health and senior  
50 services.

195.060. 1. Except as provided in subsection 3 of this section, a pharmacist, in good  
2 faith, may sell and dispense controlled substances to any person only upon a prescription of a  
3 practitioner as authorized by statute, provided that the controlled substances listed in Schedule  
4 V may be sold without prescription in accordance with regulations of the department of health  
5 and senior services. All written prescriptions shall be signed by the person prescribing the same.  
6 All prescriptions shall be dated on the day when issued and bearing the full name and address  
7 of the patient for whom, or of the owner of the animal for which, the drug is prescribed, and the  
8 full name, address, and the registry number under the federal controlled substances laws of the  
9 person prescribing, if he **or she** is required by those laws to be so registered. If the prescription  
10 is for an animal, it shall state the species of the animal for which the drug is prescribed. The  
11 person filling the prescription shall either write the date of filling and his **or her** own signature  
12 on the prescription or retain the date of filling and the identity of the dispenser as electronic  
13 prescription information. The prescription or electronic prescription information shall be  
14 retained on file by the proprietor of the pharmacy in which it is filled for a period of two years,

15 so as to be readily accessible for inspection by any public officer or employee engaged in the  
16 enforcement of this law. No prescription for a drug in Schedule I or II shall be filled more than  
17 six months after the date prescribed; no prescription for a drug in schedule I or II shall be  
18 refilled; no prescription for a drug in Schedule III or IV shall be filled or refilled more than six  
19 months after the date of the original prescription or be refilled more than five times unless  
20 renewed by the practitioner.

21 2. The legal owner of any stock of controlled substances in a pharmacy, upon  
22 discontinuance of dealing in such drugs, may sell the stock to a manufacturer, wholesaler, or  
23 pharmacist, but only on an official written order.

24 3. A pharmacist, in good faith, may sell and dispense any Schedule II drug or drugs to  
25 any person in emergency situations as defined by rule of the department of health and senior  
26 services upon an oral prescription by an authorized practitioner.

27 4. Except where a bona fide physician-patient-pharmacist relationship exists,  
28 prescriptions for narcotics or hallucinogenic drugs shall not be delivered to or for an ultimate  
29 user or agent by mail or other common carrier.

195.080. 1. Except as otherwise **provided** in [sections 195.005 to 195.425 specifically  
2 provided, sections 195.005 to 195.425] **this chapter and chapter 579, this chapter and**  
3 **chapter 579** shall not apply to the following cases: prescribing, administering, dispensing or  
4 selling at retail of liniments, ointments, and other preparations that are susceptible of external  
5 use only and that contain controlled substances in such combinations of drugs as to prevent the  
6 drugs from being readily extracted from such liniments, ointments, or preparations, except that  
7 [sections 195.005 to 195.425] **this chapter and chapter 579** shall apply to all liniments,  
8 ointments, and other preparations that contain coca leaves in any quantity or combination.

9 2. The quantity of Schedule II controlled substances prescribed or dispensed at any one  
10 time shall be limited to a thirty-day supply. The quantity of Schedule III, IV or V controlled  
11 substances prescribed or dispensed at any one time shall be limited to a ninety-day supply and  
12 shall be prescribed and dispensed in compliance with the general provisions of [sections 195.005  
13 to 195.425] **this chapter and chapter 579**. The supply limitations provided in this subsection  
14 may be increased up to three months if the physician describes on the prescription form or  
15 indicates via telephone, fax, or electronic communication to the pharmacy to be entered on or  
16 attached to the prescription form the medical reason for requiring the larger supply. The supply  
17 limitations provided in this subsection shall not apply if the prescription is dispensed directly to  
18 a member of the United States armed forces serving outside the United States.

19 3. The partial filling of a prescription for a Schedule II substance is permissible as  
20 defined by regulation by the department of health and senior services.

195.100. 1. It shall be unlawful to distribute any controlled substance in a commercial  
2 container unless such container bears a label containing an identifying symbol for such substance  
3 in accordance with federal laws.

4           2. It shall be unlawful for any manufacturer of any controlled substance to distribute such  
5 substance unless the labeling thereof conforms to the requirements of federal law and contains  
6 the identifying symbol required in subsection 1 of this section.

7           3. The label of a controlled substance in Schedule II, III or IV shall, when dispensed to  
8 or for a patient, contain a clear, concise warning that it is a criminal offense to transfer such  
9 narcotic or dangerous drug to any person other than the patient.

10          4. Whenever a manufacturer sells or dispenses a controlled substance and whenever a  
11 wholesaler sells or dispenses a controlled substance in a package prepared by him or her, the  
12 manufacturer or wholesaler shall securely affix to each package in which that drug is contained  
13 a label showing in legible English the name and address of the vendor and the quantity, kind, and  
14 form of controlled substance contained therein. No person except a pharmacist for the purpose  
15 of filling a prescription under [sections 195.005 to 195.425] **this chapter**, shall alter, deface, or  
16 remove any label so affixed.

17          5. Whenever a pharmacist or practitioner sells or dispenses any controlled substance on  
18 a prescription issued by a physician, physician assistant, dentist, podiatrist, veterinarian, or  
19 advanced practice registered nurse, the pharmacist or practitioner shall affix to the container in  
20 which such drug is sold or dispensed a label showing his or her own name and address of the  
21 pharmacy or practitioner for whom he or she is lawfully acting; the name of the patient or, if the  
22 patient is an animal, the name of the owner of the animal and the species of the animal; the name  
23 of the physician, physician assistant, dentist, podiatrist, advanced practice registered nurse, or  
24 veterinarian by whom the prescription was written; the name of the collaborating physician if the  
25 prescription is written by an advanced practice registered nurse or the supervising physician if  
26 the prescription is written by a physician assistant, and such directions as may be stated on the  
27 prescription. No person shall alter, deface, or remove any label so affixed.

195.140. 1. All controlled substances, imitation controlled substances or drug  
2 paraphernalia for the administration, use or manufacture of controlled substances or imitation  
3 controlled substances and which have come into the custody of a peace officer or officer or agent  
4 of the department of health and senior services as provided by sections 195.010 to 195.320, the  
5 lawful possession of which is not established or the title to which cannot be ascertained after a  
6 hearing as prescribed in Rule 34 of Rules of Criminal Procedure for the courts of Missouri or  
7 some other appropriate hearing, shall be forfeited, and disposed of as follows:

8           (1) Except as in this section otherwise provided, the court or associate circuit judge  
9 having jurisdiction shall order such controlled substances, imitation controlled substances, or  
10 drug paraphernalia forfeited and destroyed. A record of the place where said controlled  
11 substances, imitation controlled substances, or drug paraphernalia were seized, of the kinds and  
12 quantities of controlled substances, imitation controlled substances, or drug paraphernalia so  
13 destroyed, and of the time, place and manner of destructions, shall be kept, and a return under

14 oath, reporting the destruction of the controlled substances, imitation controlled substances, or  
15 drug paraphernalia shall be made to the court or associate circuit judge;

16 (2) The department of health and senior services shall keep a complete record of all  
17 controlled substances, imitation controlled substances, or drug paraphernalia received and  
18 disposed of, together with the dates of such receipt and disposal, showing the exact kinds,  
19 quantities, and forms of such controlled substances, imitation controlled substances, or drug  
20 paraphernalia; the persons from whom received and to whom delivered; and by whose authority  
21 they were received, delivered or destroyed; which record shall be open to inspection by all  
22 federal or state officers charged with the enforcement of federal and state narcotic or controlled  
23 substances laws.

24 2. (1) Everything of value furnished, or intended to be furnished, in exchange for a  
25 controlled substance, imitation controlled substance or drug paraphernalia in violation of sections  
26 195.010 to 195.320, all proceeds traceable to such an exchange, and all moneys, negotiable  
27 instruments, or securities used, or intended to be used, to facilitate any violation of sections  
28 195.010 to 195.320 shall be forfeited, except that no property shall be forfeited under this  
29 subsection to the extent of the interest of an owner by reason of any act or omission established  
30 by him to have been committed without his **or her** knowledge or consent.

31 (2) Any moneys, coin, or currency found in close proximity to forfeitable controlled  
32 substances, imitation controlled substances, or drug paraphernalia, or forfeitable records of the  
33 importation, manufacture, or distribution of controlled substances, imitation controlled  
34 substances or drug paraphernalia are presumed to be forfeitable under this subsection. The  
35 burden of proof shall be upon claimants of the property to rebut this presumption.

36 (3) All forfeiture proceedings shall be conducted pursuant to the provisions of sections  
37 513.600 to [513.660] **513.653**.

195.150. On the conviction of any person of the violation of any provision of [this law]  
2 **chapter 579**, a copy of the judgment and sentence, and of the opinion of the court or associate  
3 circuit judge, if any opinion be filed, shall be sent by the clerk of the court, or by the associate  
4 circuit judge, to the board or officer, if any, by whom the convicted defendant has been licensed  
5 or registered to practice his **or her** profession or to carry on his **or her** business. On the  
6 conviction of any such person, the court may, in its discretion, suspend or revoke the license or  
7 registration of the convicted defendant to practice his **or her** profession or to carry on his  
8 business. On the application of any person whose license or registration has been suspended or  
9 revoked, and upon proper showing and for good cause, said board or officer may reinstate such  
10 license or registration.

195.190. It is hereby made the duty of the department of health and senior services, its  
2 officers, agents, inspectors, and representatives, and all peace officers within the state, and all  
3 county attorneys, to enforce all provisions of [sections 195.005 to 195.425] **this chapter and**  
4 **chapter 579**, except those specifically delegated, and to cooperate with all agencies charged with

5 the enforcement of the laws of the United States, of this state, and of all other states, relating to  
6 narcotic and controlled substances.

195.195. The authority to promulgate regulations for the efficient enforcement of  
2 [sections 195.005 to 195.425] **this chapter** is hereby vested in the director of the department of  
3 health and senior services subject to the provisions of subsection 1 of section 195.030 and  
4 chapter 536. The director of the department of health and senior services is hereby authorized  
5 to make regulations promulgated under [sections 195.005 to 195.425] **this chapter** conform with  
6 those promulgated under the federal Comprehensive Drug Abuse Prevention and Control Act  
7 of 1970.

195.198. 1. The director of the department of health and senior services shall carry out  
2 educational programs designed to prevent and deter misuse and abuse of controlled dangerous  
3 substances. In connection with such programs he **or she** may:

4 (1) Assist the regulated industry and interested groups and organizations in contributing  
5 to the reduction of misuse and abuse of controlled substances;

6 (2) Consult with interested groups and organizations to aid them in solving  
7 administrative and organizational problems;

8 (3) Assist in the education and training of state and local law enforcement officials in  
9 their efforts to control misuse and abuse of controlled substances.

10 2. The director of the department of health and senior services shall encourage research  
11 on misuse and abuse of controlled substances. In connection with such research and in  
12 furtherance of the enforcement of [sections 195.005 to 195.425] **this chapter and chapter 579**,  
13 he **or she** may:

14 (1) Establish methods to assess accurately the effects of controlled substances including  
15 but not limited to gathering, analyzing, and publishing a report using existing data regarding  
16 poisoning episodes, arrests relating to controlled substance violations, crime laboratory  
17 determinations, department of health and senior services investigations and audits, information  
18 available from the federal Drug Enforcement Administration and Food and Drug Administration,  
19 and to identify and characterize substances with potential for abuse;

20 (2) Make studies and undertake programs of research to develop new or improved  
21 approaches, techniques, systems, equipment and devices to strengthen the enforcement of  
22 [sections 195.005 to 195.425] **this chapter and chapter 579**.

23 3. The director of the department of health and senior services may enter into contracts  
24 for educational and research activities.

195.375. 1. A judge, upon proper oath or affirmation showing probable cause, may issue  
2 warrants for controlled premises for the purpose of conducting administrative inspections  
3 authorized by [sections 195.005 to 195.425] **this chapter**, and seizures of property appropriate  
4 to the inspections. For purposes of the issuance of administrative inspection warrants, probable  
5 cause exists upon showing a valid public interest in the effective enforcement of [sections

6 195.005 to 195.425] **this chapter** sufficient to justify administrative inspection of the area,  
7 premises, building or conveyance in the circumstances specified in the application for the  
8 warrant.

9 2. A warrant shall issue only upon an affidavit of a peace officer or an employee of the  
10 department of health and senior services having knowledge of the facts alleged, sworn to before  
11 the judge and establishing the grounds for issuing the warrant. If the judge is satisfied that  
12 grounds for the application exist, he **or she** shall issue a warrant identifying the area, premises,  
13 building or conveyance to be inspected, the purpose of the inspection, and if appropriate, the type  
14 of property to be inspected, if any. The warrant shall:

15 (1) State the grounds for its issuance and the name of each person whose affidavit has  
16 been taken in support thereof;

17 (2) Be directed to a peace officer or to an employee of the department of health and  
18 senior services to execute it;

19 (3) Command the person to whom it is directed to inspect the area, premises, building  
20 or conveyance identified for the purpose specified and, if appropriate, direct the seizure of the  
21 property specified;

22 (4) Identify the item or types of property to be seized, if any;

23 (5) Direct that it be served during normal business hours and designate the judge to  
24 whom it shall be returned.

25 3. A warrant issued pursuant to this section shall be executed and returned within ten  
26 days of its date unless, upon a showing of a need for additional time, the court orders otherwise.  
27 If property is seized pursuant to a warrant, a copy shall be given to the person from whom or  
28 from whose premises the property is taken, together with a receipt for the property taken. The  
29 return of the warrant shall be made promptly, accompanied by a written inventory of any  
30 property taken. The inventory shall be made in the presence of the person executing the warrant  
31 and of the person from whose possession or premises the property was taken, if present, or in the  
32 presence of at least one credible person other than the person executing the warrant. A copy of  
33 the inventory shall be delivered to the person from whom or from whose premises the property  
34 was taken and to the applicant for the warrant.

35 4. The judge who has issued a warrant shall attach thereto a copy of the return and all  
36 papers returnable in connection therewith and file them with the clerk of the court which issued  
37 the warrant. The department of health and senior services may make administrative inspections  
38 of controlled premises in accordance with the following provisions:

39 (1) For purposes of this section only, "controlled premises" means:

40 (a) Places where persons registered or exempted from registration requirements under  
41 [sections 195.005 to 195.425] **this chapter** are required to keep records; and

42 (b) Places including factories, warehouses, establishments, and conveyances in which  
43 persons registered or exempted from registration requirements under [sections 195.005 to

44 195.425] **this chapter** are permitted to hold, manufacture, compound, process, sell, deliver, or  
45 otherwise dispose of any controlled substance;

46 (2) When authorized by an administrative inspection warrant issued pursuant to this  
47 section, an officer or employee designated by the department of health and senior services, upon  
48 presenting the warrant and appropriate credentials to the owner, operator, or agent in charge, may  
49 enter controlled premises for the purpose of conducting an administrative inspection;

50 (3) When authorized by an administrative inspection warrant, an officer or employee  
51 designated by the department of health and senior services may:

52 (a) Inspect and copy records required by [sections 195.005 to 195.425] **this chapter** to  
53 be kept;

54 (b) Inspect, within reasonable limits and in a reasonable manner, controlled premises and  
55 all pertinent equipment, finished and unfinished material, containers and labeling found therein,  
56 and, except as provided in subdivision (5) of this subsection, all other things therein, including  
57 records, files, papers, processes, controls, and facilities bearing on violation of [sections 195.005  
58 to 195.425] **this chapter**; and

59 (c) Inventory any stock of any controlled substance therein and obtain samples thereof;

60 (4) This section does not prevent entries and administrative inspections, including  
61 seizures of property, without a warrant:

62 (a) If the owner, operator, or agent in charge of the controlled premises consents;

63 (b) In situations presenting imminent danger to health or safety;

64 (c) In situations involving inspection of conveyances if there is reasonable cause to  
65 believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

66 (d) In any other exceptional or emergency circumstance where time or opportunity to  
67 apply for a warrant is lacking; or

68 (e) In all other situations in which a warrant is not constitutionally required;

69 (5) An inspection authorized by this section shall not extend to financial data, sales data,  
70 other than shipment data, or pricing data unless the owner, operator, or agent in charge of the  
71 controlled premises consents in writing;

72 (6) The department of health and senior services may obtain computerized controlled  
73 substances dispensing information via printouts, disks, tapes or other state of the art means of  
74 electronic data transfer.

75 5. Prescriptions, orders, and records, required by [sections 195.005 to 195.425] **this**  
76 **chapter**, and stocks of controlled substances shall be open for inspection only to federal, state,  
77 county, and municipal officers, whose duty it is to enforce the laws of this state or of the United  
78 States relating to narcotic drugs. No officer having knowledge by virtue of his **or her** office of  
79 any such prescription, order, or record shall divulge such knowledge, except in connection with  
80 a prosecution or proceeding in court or before a licensing or registration board or officer, to



81 which prosecution or proceeding the person to whom such prescriptions, orders, or records relate  
82 is a party.

195.417. 1. The limits specified in this section shall not apply to any quantity of such  
2 product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy  
3 pursuant to a valid prescription.

4 2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to  
5 the same individual, and no person shall purchase, receive, or otherwise acquire more than the  
6 following amount: any number of packages of any drug product containing any detectable  
7 amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical  
8 isomers, or salts of optical isomers, either as:

9 (1) The sole active ingredient; or

10 (2) One of the active ingredients of a combination drug; or

11 (3) A combination of any of the products specified in subdivisions (1) and (2) of this  
12 subsection; in any total amount greater than nine grams, without regard to the number of  
13 transactions.

14 3. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered  
15 pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no  
16 person shall purchase, receive, or otherwise acquire more than the following amount: any  
17 number of packages of any drug product containing any detectable amount of ephedrine,  
18 phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of  
19 optical isomers, either as:

20 (1) The sole active ingredient; or

21 (2) One of the active ingredients of a combination drug; or

22 (3) A combination of any of the products specified in subdivisions (1) and (2) of this  
23 subsection; in any total amount greater than three and six-tenths grams without regard to the  
24 number of transactions.

25 4. All packages of any compound, mixture, or preparation containing any detectable  
26 quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical  
27 isomers, or salts of optical isomers, except those that are excluded from Schedule V in  
28 subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy  
29 counter where the public is not permitted, and only by a registered pharmacist or registered  
30 pharmacy technician under section 195.017.

31 5. Each pharmacy shall submit information regarding sales of any compound, mixture,  
32 or preparation as specified in this section in accordance with transmission methods and  
33 frequency established by the department by regulation.

34 6. This section shall supersede and preempt any local ordinances or regulations,  
35 including any ordinances or regulations enacted by any political subdivision of the state. This

36 section shall not apply to the sale of any animal feed products containing ephedrine or any  
37 naturally occurring or herbal ephedra or extract of ephedra.

38 7. All logs, records, documents, and electronic information maintained for the dispensing  
39 of these products shall be open for inspection and copying by municipal, county, and state or  
40 federal law enforcement officers whose duty it is to enforce the controlled substances laws of this  
41 state or the United States.

42 8. Within thirty days of June 15, 2005, all persons who dispense or offer for sale  
43 pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in  
44 subsection 17 or 18 of section 195.017, shall ensure that all such products are located only  
45 behind a pharmacy counter where the public is not permitted.

46 9. [Any person who knowingly or recklessly violates this section is guilty of a class A  
47 misdemeanor.] **The penalty for a knowing or reckless violation of this section is found in**  
48 **section 579.060.**

195.418. 1. The retail sale of methamphetamine precursor drugs shall be limited to:

2 (1) Sales in packages containing not more than a total of three grams of one or more  
3 methamphetamine precursor drugs, calculated in terms of ephedrine base, pseudoephedrine base  
4 and phenylpropanolamine base; and

5 (2) For nonliquid products, sales in blister packs, each blister containing not more than  
6 two dosage units, or where the use of blister packs is technically infeasible, sales in unit dose  
7 packets or pouches.

8 2. [Any person holding a retail sales license pursuant to chapter 144 who knowingly  
9 violates subsection 1 of this section is guilty of a class A misdemeanor.

10 3. Any person who is considered the general owner or operator of the outlet where  
11 ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who  
12 violates subsection 1 of this section shall not be penalized pursuant to this section if such person  
13 documents that an employee training program was in place to provide the employee with  
14 information on the state and federal regulations regarding ephedrine, pseudoephedrine, or  
15 phenylpropanolamine.] **The penalty for a knowing violation of subsection 1 of this section**  
16 **is found in section 579.060.**

196.979. 1. Any person, including but not limited to a prescription drug manufacturer  
2 or health care facility, may donate prescription drugs to the prescription drug repository program.  
3 The drugs shall be donated at a pharmacy, hospital, or nonprofit clinic that elects to participate  
4 in the prescription drug repository program and meets the criteria for participation established  
5 by rule of the department pursuant to section 196.984. Participation in the program by  
6 pharmacies, hospitals, and nonprofit clinics shall be voluntary. Nothing in sections 196.970 to  
7 196.984 shall require any pharmacy, hospital, or nonprofit clinic to participate in the program.

8 2. A pharmacy, hospital, or nonprofit clinic which meets the eligibility requirements  
9 established in section 196.984 may dispense prescription drugs donated under the program to

10 persons who are residents of Missouri and who meet the eligibility requirements of the program,  
11 or to other governmental entities and nonprofit private entities to be dispensed to persons who  
12 meet the eligibility requirements of the program. A prescription drug shall be dispensed only  
13 pursuant to a prescription issued by a health care professional who is authorized by statute to  
14 prescribe drugs. A pharmacy, hospital, or nonprofit clinic which accepts donated prescription  
15 drugs shall comply with all applicable federal and state laws dealing with the storage and  
16 distribution of dangerous drugs and shall inspect all prescription drugs prior to dispensing the  
17 prescription drugs to determine that they are not adulterated as described in section 196.095. The  
18 pharmacy, hospital, or nonprofit clinic may charge persons receiving donated prescription drugs  
19 a handling fee, not to exceed a maximum of two hundred percent of the Medicaid dispensing fee,  
20 established by rule of the department promulgated pursuant to section 196.984. Prescription  
21 drugs donated to the program shall not be resold. Any individual who knowingly resells any  
22 donated prescription drugs pursuant to sections 196.970 to 196.984 shall be guilty of a class [D]  
23 E felony.

24 3. Drugs donated under this section that are not used or accepted by any pharmacy,  
25 hospital, or nonprofit clinic in this state may be distributed to out-of-state charitable repositories  
26 for use outside of this state. Such donated drugs may be repackaged in a manner appropriate for  
27 distribution by participating pharmacies, hospitals, and nonprofit clinics.

197.266. Any hospice or employee of a hospice who knowingly abuses or neglects any  
2 client, or misappropriates the property of any client, shall be guilty of a class [D] E felony.

197.326. 1. Any person who is paid either as part of his **or her** normal employment or  
2 as a lobbyist to support or oppose any project before the health facilities review committee shall  
3 register as a lobbyist pursuant to chapter 105 and shall also register with the staff of the health  
4 facilities review committee for every project in which such person has an interest and indicate  
5 whether such person supports or opposes the named project. The registration shall also include  
6 the names and addresses of any person, firm, corporation or association that the person  
7 registering represents in relation to the named project. Any person violating the provisions of  
8 this subsection shall be subject to the penalties specified in section 105.478.

9 2. A member of the general assembly who also serves as a member of the health facilities  
10 review committee is prohibited from soliciting or accepting campaign contributions from any  
11 applicant or person speaking for an applicant or any opponent to any application or persons  
12 speaking for any opponent while such application is pending before the health facilities review  
13 committee.

14 3. Any person regulated by chapter 197 or 198 and any officer, attorney, agent and  
15 employee thereof, shall not offer to any committee member or to any person employed as staff  
16 to the committee, any office, appointment or position, or any present, gift, entertainment or  
17 gratuity of any kind or any campaign contribution while such application is pending before the  
18 health facilities review committee. Any person guilty of knowingly violating the provisions of

19 this section shall be punished as follows: For the first offense, such person is guilty of a class  
20 B misdemeanor; and for the second and subsequent offenses, such person is guilty of a class [D]  
21 E felony.

[660.250] **197.1000.** As used in sections 660.250 to 660.321, the following terms mean:

- 2 (1) "Abuse", the infliction of physical, sexual, or emotional injury or harm including  
3 financial exploitation by any person, firm or corporation;
- 4 (2) "Court", the circuit court;
- 5 (3) "Department", the department of health and senior services;
- 6 (4) "Director", director of the department of health and senior services or his or her  
7 designees;
- 8 (5) "Eligible adult", a person sixty years of age or older who is unable to protect his or  
9 her own interests or adequately perform or obtain services which are necessary to meet his or her  
10 essential human needs or an adult with a disability, as defined in section 660.053, between the  
11 ages of eighteen and fifty-nine who is unable to protect his or her own interests or adequately  
12 perform or obtain services which are necessary to meet his or her essential human needs;
- 13 (6) "Home health agency", the same meaning as such term is defined in section 197.400;
- 14 (7) "Home health agency employee", a person employed by a home health agency;
- 15 (8) "Home health patient", an eligible adult who is receiving services through any home  
16 health agency;
- 17 (9) "In-home services client", an eligible adult who is receiving services in his or her  
18 private residence through any in-home services provider agency;
- 19 (10) "In-home services employee", a person employed by an in-home services provider  
20 agency;
- 21 (11) "In-home services provider agency", a business entity under contract with the  
22 department or with a Medicaid participation agreement, which employs persons to deliver any  
23 kind of services provided for eligible adults in their private homes;
- 24 (12) "Least restrictive environment", a physical setting where protective services for the  
25 eligible adult and accommodation is provided in a manner no more restrictive of an individual's  
26 personal liberty and no more intrusive than necessary to achieve care and treatment objectives;
- 27 (13) "Likelihood of serious physical harm", one or more of the following:
  - 28 (a) A substantial risk that physical harm to an eligible adult will occur because of his or  
29 her failure or inability to provide for his or her essential human needs as evidenced by acts or  
30 behavior which has caused such harm or which gives another person probable cause to believe  
31 that the eligible adult will sustain such harm;
  - 32 (b) A substantial risk that physical harm will be inflicted by an eligible adult upon  
33 himself or herself, as evidenced by recent credible threats, acts, or behavior which has caused  
34 such harm or which places another person in reasonable fear that the eligible adult will sustain  
35 such harm;

36 (c) A substantial risk that physical harm will be inflicted by another upon an eligible  
37 adult as evidenced by recent acts or behavior which has caused such harm or which gives another  
38 person probable cause to believe the eligible adult will sustain such harm;

39 (d) A substantial risk that further physical harm will occur to an eligible adult who has  
40 suffered physical injury, neglect, sexual or emotional abuse, or other maltreatment or wasting  
41 of his or her financial resources by another person;

42 (14) "Neglect", the failure to provide services to an eligible adult by any person, firm or  
43 corporation with a legal or contractual duty to do so, when such failure presents either an  
44 imminent danger to the health, safety, or welfare of the client or a substantial probability that  
45 death or serious physical harm would result;

46 (15) "Protective services", services provided by the state or other governmental or private  
47 organizations or individuals which are necessary for the eligible adult to meet his or her essential  
48 human needs.

**197.1002. 1. The following persons shall be required to immediately report or cause  
2 a report to be made to the department pursuant to sections 197.1000 to 197.1028:**

3 **(1) Any person having reasonable cause to suspect that an eligible adult presents**  
4 **a likelihood of suffering serious physical harm and is in need of protective services; and**

5 **(2) Any adult day care worker, chiropractor, Christian Science practitioner,**  
6 **coroner, dentist, embalmer, employee of the departments of social services, mental health,**  
7 **or health and senior services, employee of a local area agency on aging or an organized**  
8 **area agency on aging program, funeral director, home health agency, home health agency**  
9 **employee, hospital and clinic personnel engaged in the care or treatment of others, in-home**  
10 **services owner or provider, in-home services operator or employee, law enforcement**  
11 **officer, long-term care facility administrator or employee, medical examiner, medical**  
12 **resident or intern, mental health professional, minister, nurse, nurse practitioner,**  
13 **optometrist, other health practitioner, peace officer, pharmacist, physical therapist,**  
14 **physician, physician's assistant, podiatrist, probation or parole officer, psychologist, social**  
15 **worker, or other person with the responsibility for the care of a person sixty years of age**  
16 **or older has reasonable cause to suspect that such a person has been subjected to abuse or**  
17 **neglect or observes such a person being subjected to conditions or circumstances which**  
18 **would reasonably result in abuse or neglect.**

19 **2. Any other person who becomes aware of circumstances that may reasonably be**  
20 **expected to be the result of, or result in, abuse or neglect of a person sixty years of age or**  
21 **older may report to the department.**

22 **3. The penalty for failing to report as required under subdivision (2) of subsection**  
23 **1 of this section is provided under section 565.188.**

[660.255] **197.1004.** 1. [Any person having reasonable cause to suspect that an eligible adult presents a likelihood of suffering serious physical harm and is in need of protective services shall report such information to the department.

2. The report] **A report made pursuant to section 197.1002** shall be made orally or in writing. It shall include, if known:

(1) The name, age, and address of the eligible adult **or person subjected to abuse or neglect;**

(2) The name and address of any person responsible for **care of** the eligible [adult's care] **adult or person subjected to abuse or neglect;**

(3) The nature and extent of the **condition of the** eligible [adult's condition] **adult or person subjected to abuse or neglect;** and

(4) Other relevant information.

[3.] **2.** Reports regarding persons determined not to be eligible adults as defined in section 660.250 shall be referred to the appropriate state or local authorities.

[4.] **3.** The department shall maintain a statewide toll free phone number for receipt of reports.

[660.260] **197.1006.** Upon receipt of a report, the department shall make a prompt and thorough investigation to determine whether or not an eligible adult is facing a likelihood of serious physical harm and is in need of protective services. The department shall provide for any of the following:

(1) Identification of the eligible adult and determination that the eligible adult is eligible for services;

(2) Evaluation and diagnosis of the needs of eligible adults;

(3) Provision of social casework, counseling or referral to the appropriate local or state authority;

(4) Assistance in locating and receiving alternative living arrangements as necessary;

(5) Assistance in locating and receiving necessary protective services; or

(6) The coordination and cooperation with other state agencies and public and private agencies in exchange of information and the avoidance of duplication of services.

[660.261] **197.1008.** Upon receipt of a report that an eligible adult between the ages of eighteen and fifty-nine is facing a likelihood of serious physical harm, the department shall:

(1) Investigate or refer the report to appropriate law enforcement or state agencies; and

(2) Provide services or refer to local community or state agencies.

[565.186.] **197.1010.** The department of health and senior services shall investigate incidents and reports of elder abuse **or neglect** using the procedures established in sections [660.250 to 660.295] **197.1000 to 197.1025** and, upon substantiation of the report of elder abuse **or neglect**, shall promptly report the incident to the appropriate law enforcement agency and prosecutor and shall determine whether protective services are required pursuant to sections

6 [660.250 to 660.295] **197.1000 to 197.1025**. If the department is unable to substantiate whether  
7 abuse **or neglect** occurred due to the failure of the operator or any of the operator's agents or  
8 employees to cooperate with the investigation, the incident shall be promptly reported to  
9 appropriate law enforcement agencies.

[565.190.] **197.1012**. Any person, official or institution complying with the provisions  
2 of [section 565.188] **subdivision (2) of subsection 1 of section 197.1002** in the making of a  
3 report, or in cooperating with the department in any of its activities [pursuant to sections 565.186  
4 and 565.188] **under section 197.1010**, except any person, official or institution violating section  
5 [565.180, 565.182 or] 565.184, shall be immune from any civil or criminal liability for making  
6 such a report, or in cooperating with the department, unless such person acted negligently,  
7 recklessly, in bad faith, or with malicious purpose.

[660.263] **197.1014**. 1. Reports made pursuant to sections [660.250 to 660.295]  
2 **197.1000 to 197.1028** shall be confidential and shall not be deemed a public record and shall not  
3 be subject to the provisions of section 109.180 or chapter 610.

4 2. Such reports shall be accessible for examination and copying only to the following  
5 persons or offices, or to their designees:

- 6 (1) The department or any person or agency designated by the department;
- 7 (2) The attorney general;
- 8 (3) The department of mental health for persons referred to that department;
- 9 (4) Any appropriate law enforcement agency; and
- 10 (5) The eligible adult or his legal guardian.

11 3. The name of the reporter shall not be disclosed unless:

- 12 (1) Such reporter specifically authorizes disclosure of his name; and
- 13 (2) The department determines that disclosure of the name of the reporter is necessary  
14 in order to prevent further harm to an eligible adult.

15 4. Any person who violates the provisions of this section, or who permits or encourages  
16 the unauthorized dissemination of information contained in the central registry and in reports and  
17 records made pursuant to sections [660.250 to 660.295] **197.1000 to 197.1028**, shall be guilty  
18 of a class A misdemeanor.

19 5. The department shall maintain a central registry capable of receiving and maintaining  
20 reports received in a manner that facilitates rapid access and recall of the information reported,  
21 and of subsequent investigations and other relevant information. The department shall  
22 electronically record any telephone report of suspected abuse and neglect received by the  
23 department and such recorded reports shall be retained by the department for a period of one year  
24 after recording.

25 6. Although reports to the central registry may be made anonymously, the department  
26 shall in all cases, after obtaining relevant information regarding the alleged abuse or neglect,  
27 attempt to obtain the name and address of any person making a report.

[660.265] **197.1016.** When an eligible adult gives consent to receive protective services,  
2 the department shall assist the adult in locating and arranging for necessary services in the least  
3 restrictive environment reasonably available.

[660.270] **197.1018.** When the department receives a report that there has been abuse  
2 or neglect, or that there otherwise is a likelihood of serious physical harm to an eligible adult and  
3 that he or she is in need of protective services and the department is unable to conduct an  
4 investigation because access to the eligible adult is barred by any person, the director may  
5 petition the appropriate court for a warrant or other order to enter upon the described premises  
6 and investigate the report or to produce the information. The application for the warrant or order  
7 shall identify the eligible adult and the facts and circumstances which require the issuance of the  
8 warrant or order. The director may also seek an order to enjoin the person from barring access  
9 to an eligible adult or from interfering with the investigation. If the court finds that, based on  
10 the report and relevant circumstances and facts, probable cause exists showing that the eligible  
11 adult faces abuse or neglect, or otherwise faces a likelihood of serious physical harm and is in  
12 need of protective services and the director has been prevented by another person from  
13 investigating the report, the court may issue the warrant or enjoin the interference with the  
14 investigation or both.

[660.275] **197.1020.** If an eligible adult gives consent to receive protective services and  
2 any other person interferes with or prevents the delivery of such services, the director may  
3 petition the appropriate court for an order to enjoin the interference with the delivery of the  
4 services. The petition shall allege the consent of the eligible adult and shall allege specific facts  
5 sufficient to show that the eligible adult faces a likelihood of serious physical harm and is in need  
6 of the protective services and that delivery is barred by the person named in the petition. If the  
7 court finds upon a preponderance of evidence that the allegations in the petition are true, the  
8 court may issue an order enjoining the interference with the delivery of the protective services  
9 and may establish such conditions and restrictions on the delivery as the court deems necessary  
10 and proper under the circumstances.

[660.280] **197.1022.** When an eligible adult facing the likelihood of serious physical  
2 harm and in need of protective services is unable to give consent because of incapacity or legal  
3 disability and the guardian of the eligible adult refuses to provide the necessary services or allow  
4 the provision of such services, the director shall inform the court having supervisory jurisdiction  
5 over the guardian of the facts showing that the eligible adult faces the likelihood of serious  
6 physical harm and is in need of protective services and that the guardian refuses to provide the  
7 necessary services or allow the provision of such services under the provisions of sections  
8 [660.250 to 660.295] **197.1000 to 197.1028.** Upon receipt of such information, the court may  
9 take such action as it deems necessary and proper to insure that the eligible adult is able to meet  
10 his essential human needs.



2           [660.285] **197.1024.** 1. If the director determines after an investigation that an eligible  
3 adult is unable to give consent to receive protective services and presents a likelihood of serious  
4 physical harm, the director may initiate proceedings pursuant to chapter 202 or chapter 475, if  
5 appropriate.

6           2. In order to expedite adult guardianship and conservatorship cases, the department may  
7 retain, within existing funding sources of the department, legal counsel on a case-by-case basis.

8           [660.290] **197.1026.** 1. When a peace officer has probable cause to believe that an  
9 eligible adult will suffer an imminent likelihood of serious physical harm if not immediately  
10 placed in a medical facility for care and treatment, that the adult is incapable of giving consent,  
11 and that it is not possible to follow the procedures in section [660.285] **197.1024**, the officer may  
12 transport, or arrange transportation for, the eligible adult to an appropriate medical facility which  
13 may admit the eligible adult and shall notify the next of kin, if known, and the director.

14           2. Where access to the eligible adult is barred and a substantial likelihood exists of  
15 serious physical harm resulting to the eligible adult if he is not immediately afforded protective  
16 services, the peace officer may apply to the appropriate court for a warrant to enter upon the  
17 described premises and remove the eligible adult. The application for the warrant shall identify  
18 the eligible adult and the circumstances and facts which require the issuance of the warrant.

19           3. If immediately upon admission to a medical facility, a person who is legally  
20 authorized to give consent for the provision of medical treatment for the eligible adult, has not  
21 given or refused to give such consent, and it is the opinion of the medical staff of the facility that  
22 treatment is necessary to prevent serious physical harm, the director or the head of the medical  
23 facility shall file a petition in the appropriate court for an order authorizing specific medical  
24 treatment. The court shall hold a hearing and issue its decision forthwith. Notwithstanding the  
25 above, if a licensed physician designated by the facility for such purpose examines the eligible  
26 adult and determines that the treatment is immediately or imminently necessary and any delay  
27 occasioned by the hearing provided in this subsection would jeopardize the life of the person  
28 affected, the medical facility may treat the eligible adult prior to such court hearing.

29           4. The court shall conduct a hearing pursuant to chapter 475 forthwith and, if the court  
30 finds the eligible adult incapacitated, it shall appoint a guardian ad litem for the person of the  
31 eligible adult to determine the nature and extent of the medical treatment necessary for the  
32 benefit of the eligible adult and to supervise the rendition of such treatment. The guardian ad  
litem shall promptly report the completion of treatment to the court, who shall thereupon conduct  
a restoration hearing or a hearing to appoint a permanent guardian.

3           5. The medical care under this section may not be rendered in a mental health facility  
4 unless authorized pursuant to the civil commitment procedures in chapter 632.

5           6. Nothing contained in this section or in any other section of sections [660.250 to  
6 660.295] **197.1000 to 197.1028** shall be construed as requiring physician or medical care or  
7 hospitalization of any person who, because of religious faith or conviction, relies on spiritual

33 means or prayer to cure or prevent disease or suffering nor shall any provision of sections  
34 [660.250 to 660.295] **197.1000 to 197.1028** be construed so as to designate any person as an  
35 eligible adult who presents a likelihood of suffering serious physical harm and is in need of  
36 protective services solely because such person, because of religious faith or conviction, relies on  
37 spiritual means or prayer to cure or prevent disease or suffering.

[660.295] **197.1028.** If an eligible adult does not consent to the receipt of reasonable and  
2 necessary protective services, or if an eligible adult withdraws previously given consent, the  
3 protective services shall not be provided or continued; except that, if the director has reasonable  
4 cause to believe that the eligible adult lacks the capacity to consent, the director may seek a court  
5 order pursuant to the provisions of section [660.285] **197.1024.**

[660.300] **197.1030.** 1. When any adult day care worker; chiropractor; Christian Science  
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental  
3 health, or health and senior services; employee of a local area agency on aging or an organized  
4 area agency on aging program; funeral director; home health agency or home health agency  
5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;  
6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term  
7 care facility administrator or employee; medical examiner; medical resident or intern; mental  
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;  
9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;  
10 probation or parole officer; psychologist; or social worker has reasonable cause to believe that  
11 an in-home services client has been abused or neglected, as a result of in-home services, he or  
12 she shall immediately report or cause a report to be made to the department. If the report is made  
13 by a physician of the in-home services client, the department shall maintain contact with the  
14 physician regarding the progress of the investigation.

15 2. When a report of deteriorating physical condition resulting in possible abuse or  
16 neglect of an in-home services client is received by the department, the client's case manager and  
17 the department nurse shall be notified. The client's case manager shall investigate and  
18 immediately report the results of the investigation to the department nurse. The department may  
19 authorize the in-home services provider nurse to assist the case manager with the investigation.

20 3. If requested, local area agencies on aging shall provide volunteer training to those  
21 persons listed in subsection 1 of this section regarding the detection and report of abuse and  
22 neglect pursuant to this section.

23 4. Any person required in subsection 1 of this section to report or cause a report to be  
24 made to the department who fails to do so within a reasonable time after the act of abuse or  
25 neglect is guilty of a class A misdemeanor.

26 5. The report shall contain the names and addresses of the in-home services provider  
27 agency, the in-home services employee, the in-home services client, the home health agency, the

28 home health agency employee, information regarding the nature of the abuse or neglect, the name  
29 of the complainant, and any other information which might be helpful in an investigation.

30 6. In addition to those persons required to report under subsection 1 of this section, any  
31 other person having reasonable cause to believe that an in-home services client or home health  
32 patient has been abused or neglected by an in-home services employee or home health agency  
33 employee may report such information to the department.

34 7. If the investigation indicates possible abuse or neglect of an in-home services client  
35 or home health patient, the investigator shall refer the complaint together with his or her report  
36 to the department director or his or her designee for appropriate action. If, during the  
37 investigation or at its completion, the department has reasonable cause to believe that immediate  
38 action is necessary to protect the in-home services client or home health patient from abuse or  
39 neglect, the department or the local prosecuting attorney may, or the attorney general upon  
40 request of the department shall, file a petition for temporary care and protection of the in-home  
41 services client or home health patient in a circuit court of competent jurisdiction. The circuit  
42 court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order  
43 granting the department authority for the temporary care and protection of the in-home services  
44 client or home health patient, for a period not to exceed thirty days.

45 8. Reports shall be confidential, as provided under section [660.320] **197.1040**.

46 9. Anyone, except any person who has abused or neglected an in-home services client  
47 or home health patient, who makes a report pursuant to this section or who testifies in any  
48 administrative or judicial proceeding arising from the report shall be immune from any civil or  
49 criminal liability for making such a report or for testifying except for liability for perjury, unless  
50 such person acted negligently, recklessly, in bad faith, or with malicious purpose.

51 10. Within five working days after a report required to be made under this section is  
52 received, the person making the report shall be notified in writing of its receipt and of the  
53 initiation of the investigation.

54 11. No person who directs or exercises any authority in an in-home services provider  
55 agency or home health agency shall harass, dismiss or retaliate against an in-home services client  
56 or home health patient, or an in-home services employee or a home health agency employee  
57 because he or any member of his or her family has made a report of any violation or suspected  
58 violation of laws, standards or regulations applying to the in-home services provider agency or  
59 home health agency or any in-home services employee or home health agency employee which  
60 he has reasonable cause to believe has been committed or has occurred.

61 12. Any person who abuses or neglects an in-home services client or home health patient  
62 is subject to criminal prosecution under section [565.180, 565.182, or] 565.184. If such person  
63 is an in-home services employee and has been found guilty by a court, and if the supervising  
64 in-home services provider willfully and knowingly failed to report known abuse by such  
65 employee to the department, the supervising in-home services provider may be subject to

66 administrative penalties of one thousand dollars per violation to be collected by the department  
67 and the money received therefor shall be paid to the director of revenue and deposited in the state  
68 treasury to the credit of the general revenue fund. Any in-home services provider which has had  
69 administrative penalties imposed by the department or which has had its contract terminated may  
70 seek an administrative review of the department's action pursuant to chapter 621. Any decision  
71 of the administrative hearing commission may be appealed to the circuit court in the county  
72 where the violation occurred for a trial de novo. For purposes of this subsection, the term  
73 "violation" means a determination of guilt by a court.

74 13. The department shall establish a quality assurance and supervision process for clients  
75 that requires an in-home services provider agency to conduct random visits to verify compliance  
76 with program standards and verify the accuracy of records kept by an in-home services employee.

77 14. The department shall maintain the employee disqualification list and place on the  
78 employee disqualification list the names of any persons who have been finally determined by the  
79 department, pursuant to section [660.315] **197.1036**, to have recklessly, knowingly or purposely  
80 abused or neglected an in-home services client or home health patient while employed by an  
81 in-home services provider agency or home health agency. For purposes of this section only,  
82 "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section.  
83 A person acts "knowingly" with respect to the person's conduct when a reasonable person should  
84 be aware of the result caused by his or her conduct. A person acts "recklessly" when the person  
85 consciously disregards a substantial and unjustifiable risk that the person's conduct will result  
86 in serious physical injury and such disregard constitutes a gross deviation from the standard of  
87 care that a reasonable person would exercise in the situation.

88 15. At the time a client has been assessed to determine the level of care as required by  
89 rule and is eligible for in-home services, the department shall conduct a "Safe at Home  
90 Evaluation" to determine the client's physical, mental, and environmental capacity. The  
91 department shall develop the safe at home evaluation tool by rule in accordance with chapter  
92 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate  
93 level of services and professionals involved in the client's care. The plan of service or care for  
94 each in-home services client shall be authorized by a nurse. The department may authorize the  
95 licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of  
96 the client's condition and to establish a plan of services or care. The department may use the  
97 expertise, services, or programs of other departments and agencies on a case-by-case basis to  
98 establish the plan of service or care. The department may, as indicated by the safe at home  
99 evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for  
100 evaluation and treatment as necessary.

101 16. Authorized nurse visits shall occur at least twice annually to assess the client and the  
102 client's plan of services. The provider nurse shall report the results of his or her visits to the  
103 client's case manager. If the provider nurse believes that the plan of service requires alteration,

104 the department shall be notified and the department shall make a client evaluation. All  
105 authorized nurse visits shall be reimbursed to the in-home services provider. All authorized  
106 nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients  
107 whose services have reached one hundred percent of the average statewide charge for care and  
108 treatment in an intermediate care facility, provided that the services have been preauthorized by  
109 the department.

110 17. All in-home services clients shall be advised of their rights by the department or the  
111 department's designee at the initial evaluation. The rights shall include, but not be limited to, the  
112 right to call the department for any reason, including dissatisfaction with the provider or services.  
113 The department may contract for services relating to receiving such complaints. The department  
114 shall establish a process to receive such nonabuse and neglect calls other than the elder abuse and  
115 neglect hotline.

116 18. Subject to appropriations, all nurse visits authorized in sections [660.250 to 660.300]  
117 **197.1000 to 197.1030** shall be reimbursed to the in-home services provider agency.

[660.305] **197.1032.** 1. Any person having reasonable cause to believe that a  
2 misappropriation of an in-home services client's property or funds, or the falsification of any  
3 documents verifying service delivery to the in-home services client has occurred, may report  
4 such information to the department.

5 2. For each report the department shall attempt to obtain the names and addresses of the  
6 in-home services provider agency, the in-home services employee, the in-home services client,  
7 information regarding the nature of the misappropriation or falsification, the name of the  
8 complainant, and any other information which might be helpful in an investigation.

9 3. Any in-home services provider agency or in-home services employee who puts to his  
10 or her own use or the use of the in-home services provider agency or otherwise diverts from the  
11 in-home services client's use any personal property or funds of the in-home services client, or  
12 falsifies any documents for service delivery, is guilty of a class A misdemeanor.

13 4. Upon receipt of a report, the department shall immediately initiate an investigation  
14 and report information gained from such investigation to appropriate law enforcement  
15 authorities.

16 5. If the investigation indicates probable misappropriation of property or funds, or  
17 falsification of any documents for service delivery of an in-home services client, the investigator  
18 shall refer the complaint together with the investigator's report to the department director or the  
19 director's designee for appropriate action.

20 6. Reports shall be confidential, as provided under section [660.320] **197.1040.**

21 7. Anyone, except any person participating in or benefitting from the misappropriation  
22 of funds, who makes a report pursuant to this section or who testifies in any administrative or  
23 judicial proceeding arising from the report shall be immune from any civil or criminal liability

24 for making such a report or for testifying except for liability for perjury, unless such person acted  
25 negligently, recklessly, in bad faith, or with malicious purpose.

26 8. Within five working days after a report required to be made under this section is  
27 received, the person making the report shall be notified in writing of its receipt and of the  
28 initiation of the investigation.

29 9. No person who directs or exercises any authority in an in-home services provider  
30 agency shall harass, dismiss or retaliate against an in-home services client or employee because  
31 he or she or any member of his or her family has made a report of any violation or suspected  
32 violation of laws, ordinances or regulations applying to the in-home services provider agency or  
33 any in-home services employee which he or she has reasonable cause to believe has been  
34 committed or has occurred.

35 10. The department shall maintain the employee disqualification list and place on the  
36 employee disqualification list the names of any persons who are or have been employed by an  
37 in-home service provider agency and who have been finally determined by the department to,  
38 pursuant to section [660.315] **197.1036**, have misappropriated any property or funds, or falsified  
39 any documents for service delivery of an in-home services client and who came to be known to  
40 the person, directly, or indirectly while employed by an in-home services provider agency.

[660.310] **197.1034**. 1. Notwithstanding any other provision of law, if the department  
2 of health and senior services proposes to deny, suspend, place on probation, or terminate an  
3 in-home services provider agency contract, the department of health and senior services shall  
4 serve upon the applicant or contractor written notice of the proposed action to be taken. The  
5 notice shall contain a statement of the type of action proposed, the basis for it, the date the action  
6 will become effective, and a statement that the applicant or contractor shall have thirty days from  
7 the date of mailing or delivery of the notice to file a complaint requesting a hearing before the  
8 administrative hearing commission. The administrative hearing commission may consolidate  
9 an applicant's or contractor's complaint with any proceeding before the administrative hearing  
10 commission filed by such contractor or applicant pursuant to subsection 3 of section 208.156  
11 involving a common question of law or fact. Upon the filing of the complaint, the provisions  
12 of sections 621.110, 621.120, 621.125, 621.135, and 621.145 shall apply. With respect to cases  
13 in which the department has denied a contract to an in-home services provider agency, the  
14 administrative hearing commission shall conduct a hearing to determine the underlying basis for  
15 such denial. However, if the administrative hearing commission finds that the contract denial  
16 is supported by the facts and the law, the case need not be returned to the department. The  
17 administrative hearing commission's decision shall constitute affirmation of the department's  
18 contract denial.

19 2. The department of health and senior services may issue letters of censure or warning  
20 without formal notice or hearing.

21           3. The administrative hearing commission may stay the suspension or termination of an  
22 in-home services provider agency's contract, or the placement of the contractor on probation,  
23 pending the commission's findings and determination in the cause, upon such conditions, with  
24 or without the agreement of the parties, as the commission deems necessary and appropriate,  
25 including the posting of bond or other security except that the commission shall not grant a stay,  
26 or if a stay has already been entered shall set aside its stay, unless the commission finds that the  
27 contractor has established that servicing the department's clients pending the commission's final  
28 determination would not present an imminent danger to the health, safety, or welfare of any  
29 client or a substantial probability that death or serious physical harm would result. The  
30 commission may remove the stay at any time that it finds that the contractor has violated any of  
31 the conditions of the stay. Such stay shall remain in effect, unless earlier removed by the  
32 commission, pending the decision of the commission and any subsequent departmental action  
33 at which time the stay shall be removed. In any case in which the department has refused to issue  
34 a contract, the commission shall have no authority to stay or to require the issuance of a contract  
35 pending final determination by the commission.

36           4. Stays granted to contractors by the administrative hearing commission shall, as a  
37 condition of the stay, require at a minimum that the contractor under the stay operate under the  
38 same contractual requirements and regulations as are in effect, from time to time, as are  
39 applicable to all other contractors in the program.

40           5. The administrative hearing commission shall make its final decision based upon the  
41 circumstances and conditions as they existed at the time of the action of the department and not  
42 based upon circumstances and conditions at the time of the hearing or decision of the  
43 commission.

44           6. In any proceeding before the administrative hearing commission pursuant to this  
45 section, the burden of proof shall be on the contractor or applicant seeking review.

46           7. Any person, including the department, aggrieved by a final decision of the  
47 administrative hearing commission may seek judicial review of such decision as provided in  
48 section 621.145.

[660.315] **197.1036.** 1. After an investigation and a determination has been made to  
2 place a person's name on the employee disqualification list, that person shall be notified in  
3 writing mailed to his or her last known address that:

4           (1) An allegation has been made against the person, the substance of the allegation and  
5 that an investigation has been conducted which tends to substantiate the allegation;

6           (2) The person's name will be included in the employee disqualification list of the  
7 department;

8           (3) The consequences of being so listed including the length of time to be listed; and

9           (4) The person's rights and the procedure to challenge the allegation.

10           2. If no reply has been received within thirty days of mailing the notice, the department  
11 may include the name of such person on its list. The length of time the person's name shall  
12 appear on the employee disqualification list shall be determined by the director or the director's  
13 designee, based upon the criteria contained in subsection 9 of this section.

14           3. If the person so notified wishes to challenge the allegation, such person may file an  
15 application for a hearing with the department. The department shall grant the application within  
16 thirty days after receipt by the department and set the matter for hearing, or the department shall  
17 notify the applicant that, after review, the allegation has been held to be unfounded and the  
18 applicant's name will not be listed.

19           4. If a person's name is included on the employee disqualification list without the  
20 department providing notice as required under subsection 1 of this section, such person may file  
21 a request with the department for removal of the name or for a hearing. Within thirty days after  
22 receipt of the request, the department shall either remove the name from the list or grant a  
23 hearing and set a date therefor.

24           5. Any hearing shall be conducted in the county of the person's residence by the director  
25 of the department or the director's designee. The provisions of chapter 536 for a contested case  
26 except those provisions or amendments which are in conflict with this section shall apply to and  
27 govern the proceedings contained in this section and the rights and duties of the parties involved.  
28 The person appealing such an action shall be entitled to present evidence, pursuant to the  
29 provisions of chapter 536, relevant to the allegations.

30           6. Upon the record made at the hearing, the director of the department or the director's  
31 designee shall determine all questions presented and shall determine whether the person shall  
32 be listed on the employee disqualification list. The director of the department or the director's  
33 designee shall clearly state the reasons for his or her decision and shall include a statement of  
34 findings of fact and conclusions of law pertinent to the questions in issue.

35           7. A person aggrieved by the decision following the hearing shall be informed of his or  
36 her right to seek judicial review as provided under chapter 536. If the person fails to appeal the  
37 director's findings, those findings shall constitute a final determination that the person shall be  
38 placed on the employee disqualification list.

39           8. A decision by the director shall be inadmissible in any civil action brought against a  
40 facility or the in-home services provider agency and arising out of the facts and circumstances  
41 which brought about the employment disqualification proceeding, unless the civil action is  
42 brought against the facility or the in-home services provider agency by the department of health  
43 and senior services or one of its divisions.

44           9. The length of time the person's name shall appear on the employee disqualification  
45 list shall be determined by the director of the department of health and senior services or the  
46 director's designee, based upon the following:

47           (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;



48           (2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the  
49 imminent danger to the health, safety or welfare of a resident or in-home services client;

50           (3) The degree of misappropriation of the property or funds, or falsification of any  
51 documents for service delivery of an in-home services client;

52           (4) Whether the person has previously been listed on the employee disqualification list;

53           (5) Any mitigating circumstances;

54           (6) Any aggravating circumstances; and

55           (7) Whether alternative sanctions resulting in conditions of continued employment are  
56 appropriate in lieu of placing a person's name on the employee disqualification list. Such  
57 conditions of employment may include, but are not limited to, additional training and employee  
58 counseling. Conditional employment shall terminate upon the expiration of the designated  
59 length of time and the person's submitting documentation which fulfills the department of health  
60 and senior services' requirements.

61           10. The removal of any person's name from the list under this section shall not prevent  
62 the director from keeping records of all acts finally determined to have occurred under this  
63 section.

64           11. The department shall provide the list maintained pursuant to this section to other  
65 state departments upon request and to any person, corporation, organization, or association who:

66           (1) Is licensed as an operator under chapter 198;

67           (2) Provides in-home services under contract with the department;

68           (3) Employs nurses and nursing assistants for temporary or intermittent placement in  
69 health care facilities;

70           (4) Is approved by the department to issue certificates for nursing assistants training;

71           (5) Is an entity licensed under **this** chapter [197]; or

72           (6) Is a recognized school of nursing, medicine, or other health profession for the  
73 purpose of determining whether students scheduled to participate in clinical rotations with  
74 entities described in subdivision (1), (2), or (5) of this subsection are included in the employee  
75 disqualification list. The department shall inform any person listed above who inquires of the  
76 department whether or not a particular name is on the list. The department may require that the  
77 request be made in writing.

78           12. No person, corporation, organization, or association who received the employee  
79 disqualification list under subdivisions (1) to (5) of subsection 11 of this section shall knowingly  
80 employ any person who is on the employee disqualification list. Any person, corporation,  
81 organization, or association who received the employee disqualification list under subdivisions  
82 (1) to (5) of subsection 11 of this section, or any person responsible for providing health care  
83 service, who declines to employ or terminates a person whose name is listed in this section shall  
84 be immune from suit by that person or anyone else acting for or in behalf of that person for the

85 failure to employ or for the termination of the person whose name is listed on the employee  
86 disqualification list.

87 13. Any employer who is required to discharge an employee because the employee was  
88 placed on a disqualification list maintained by the department of health and senior services after  
89 the date of hire shall not be charged for unemployment insurance benefits based on wages paid  
90 to the employee for work prior to the date of discharge, pursuant to section 288.100.

91 14. Any person who has been listed on the employee disqualification list may request  
92 that the director remove his or her name from the employee disqualification list. The request  
93 shall be written and may not be made more than once every twelve months. The request will be  
94 granted by the director upon a clear showing, by written submission only, that the person will  
95 not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the  
96 falsification of any documents of service delivery to an in-home services client. The director  
97 may make conditional the removal of a person's name from the list on any terms that the director  
98 deems appropriate, and failure to comply with such terms may result in the person's name being  
99 relisted. The director's determination of whether to remove the person's name from the list is not  
100 subject to appeal.

[660.317] **197.1038.** 1. For the purposes of this section, the term "provider" means any  
2 person, corporation or association who:

3 (1) Is licensed as an operator pursuant to chapter 198;

4 (2) Provides in-home services under contract with the department;

5 (3) Employs nurses or nursing assistants for temporary or intermittent placement in  
6 health care facilities;

7 (4) Is an entity licensed pursuant to chapter 197;

8 (5) Is a public or private facility, day program, residential facility or specialized service  
9 operated, funded or licensed by the department of mental health; or

10 (6) Is a licensed adult day care provider.

11 2. For the purpose of this section "patient or resident" has the same meaning as such term  
12 is defined in section 43.540.

13 3. Prior to allowing any person who has been hired as a full-time, part-time or temporary  
14 position to have contact with any patient or resident the provider shall, or in the case of  
15 temporary employees hired through or contracted for an employment agency, the employment  
16 agency shall prior to sending a temporary employee to a provider:

17 (1) Request a criminal background check as provided in section 43.540. Completion of  
18 an inquiry to the highway patrol for criminal records that are available for disclosure to a  
19 provider for the purpose of conducting an employee criminal records background check shall be  
20 deemed to fulfill the provider's duty to conduct employee criminal background checks pursuant  
21 to this section; except that, completing the inquiries pursuant to this subsection shall not be  
22 construed to exempt a provider from further inquiry pursuant to common law requirements

23 governing due diligence. If an applicant has not resided in this state for five consecutive years  
24 prior to the date of his or her application for employment, the provider shall request a nationwide  
25 check for the purpose of determining if the applicant has a prior criminal history in other states.  
26 The fingerprint cards and any required fees shall be sent to the highway patrol's central  
27 repository. The first set of fingerprints shall be used for searching the state repository of criminal  
28 history information. If no identification is made, the second set of fingerprints shall be  
29 forwarded to the Federal Bureau of Investigation, Identification Division, for the searching of  
30 the federal criminal history files. The patrol shall notify the submitting state agency of any  
31 criminal history information or lack of criminal history information discovered on the individual.  
32 The provisions relating to applicants for employment who have not resided in this state for five  
33 consecutive years shall apply only to persons who have no employment history with a licensed  
34 Missouri facility during that five-year period. Notwithstanding the provisions of section  
35 610.120, all records related to any criminal history information discovered shall be accessible  
36 and available to the provider making the record request; and

37 (2) Make an inquiry to the department of health and senior services whether the person  
38 is listed on the employee disqualification list as provided in section [660.315] **197.1036**.

39 4. When the provider requests a criminal background check pursuant to section 43.540,  
40 the requesting entity may require that the applicant reimburse the provider for the cost of such  
41 record check. When a provider requests a nationwide criminal background check pursuant to  
42 subdivision (1) of subsection 3 of this section, the total cost to the provider of any background  
43 check required pursuant to this section shall not exceed five dollars which shall be paid to the  
44 state. State funding and the obligation of a provider to obtain a nationwide criminal background  
45 check shall be subject to the availability of appropriations.

46 5. An applicant for a position to have contact with patients or residents of a provider  
47 shall:

48 (1) Sign a consent form as required by section 43.540 so the provider may request a  
49 criminal records review;

50 (2) Disclose the applicant's criminal history. For the purposes of this subdivision  
51 "criminal history" includes any conviction or a plea of guilty to a misdemeanor or felony charge  
52 and shall include any suspended imposition of sentence, any suspended execution of sentence  
53 or any period of probation or parole; and

54 (3) Disclose if the applicant is listed on the employee disqualification list as provided  
55 in section [660.315] **197.1036**.

56 6. An applicant who knowingly fails to disclose his or her criminal history as required  
57 in subsection 5 of this section is guilty of a class A misdemeanor. A provider is guilty of a class  
58 A misdemeanor if the provider knowingly hires or retains a person to have contact with patients  
59 or residents and the person has been convicted of, pled guilty to or nolo contendere in this state  
60 or any other state or has been found guilty of a crime, which if committed in Missouri would be

61 a class A or B felony violation of chapter 565, 566 or 569, or any violation of subsection 3 of  
62 section 198.070 or section 568.020.

63 7. Any in-home services provider agency or home health agency shall be guilty of a class  
64 A misdemeanor if such agency knowingly employs a person to provide in-home services or home  
65 health services to any in-home services client or home health patient and such person either  
66 refuses to register with the family care safety registry or is listed on any of the background check  
67 lists in the family care safety registry pursuant to sections 210.900 to 210.937.

68 8. The highway patrol shall examine whether protocols can be developed to allow a  
69 provider to request a statewide fingerprint criminal records review check through local law  
70 enforcement agencies.

71 9. A provider may use a private investigatory agency rather than the highway patrol to  
72 do a criminal history records review check, and alternatively, the applicant pays the private  
73 investigatory agency such fees as the provider and such agency shall agree.

74 10. Except for the hiring restriction based on the department of health and senior services  
75 employee disqualification list established pursuant to section [660.315] **197.1036**, the department  
76 of health and senior services shall promulgate rules and regulations to waive the hiring  
77 restrictions pursuant to this section for good cause. For purposes of this section, "good cause"  
78 means the department has made a determination by examining the employee's prior work history  
79 and other relevant factors that such employee does not present a risk to the health or safety of  
80 residents.

[660.320] **197.1040**. 1. Reports confidential under section 198.070 and sections  
2 [660.300 to 660.315] **197.1030 to 197.1036** shall not be deemed a public record and shall not  
3 be subject to the provisions of section 109.180 or chapter 610. The name of the complainant or  
4 any person mentioned in the reports shall not be disclosed unless:

5 (1) The complainant, resident or the in-home services client mentioned agrees to  
6 disclosure of his or her name;

7 (2) The department determines that disclosure is necessary in order to prevent further  
8 abuse, neglect, misappropriation of property or funds, or falsification of any documents verifying  
9 service delivery to an in-home services client;

10 (3) Release of a name is required for conformance with a lawful subpoena;

11 (4) Release of a name is required in connection with a review by the administrative  
12 hearing commission in accordance with section 198.039;

13 (5) The department determines that release of a name is appropriate when forwarding  
14 a report of findings of an investigation to a licensing authority; or

15 (6) Release of a name is requested by the division of family services for the purpose of  
16 licensure under chapter 210.

17           2. The department shall, upon request, provide to the division of employment security  
18 within the department of labor and industrial relations copies of the investigative reports that led  
19 to an employee being placed on the disqualification list.

          [660.321] **197.1042.** Notwithstanding any other provision of law, the department shall  
2 not disclose personally identifiable medical, social, personal, or financial records of any eligible  
3 adult being served by the division of senior services except when disclosed in a manner that does  
4 not identify the eligible adult, or when ordered to do so by a court of competent jurisdiction.  
5 Such records shall be accessible without court order for examination and copying only to the  
6 following persons or offices, or to their designees:

7           (1) The department or any person or agency designated by the department for such  
8 purposes as the department may determine;

9           (2) The attorney general, to perform his or her constitutional or statutory duties;

10          (3) The department of mental health for residents placed through that department, to  
11 perform its constitutional or statutory duties;

12          (4) Any appropriate law enforcement agency, to perform its constitutional or statutory  
13 duties;

14          (5) The eligible adult, his or her legal guardian or any other person designated by the  
15 eligible adult; and

16          (6) The department of social services for individuals who receive Medicaid benefits, to  
17 perform its constitutional or statutory duties.

          198.015. 1. No person shall establish, conduct or maintain a residential care facility,  
2 assisted living facility, intermediate care facility, or skilled nursing facility in this state without  
3 a valid license issued by the department. Any person violating this subsection is guilty of a class  
4 A misdemeanor. Any person violating this subsection wherein abuse or neglect of a resident of  
5 the facility has occurred is guilty of a class [D] E felony. The department of health and senior  
6 services shall investigate any complaint concerning operating unlicensed facilities. For  
7 complaints alleging abuse or neglect, the department shall initiate an investigation within  
8 twenty-four hours. All other complaints regarding unlicensed facilities shall be investigated  
9 within forty-five days.

10          2. If the department determines the unlicensed facility is in violation of sections 198.006  
11 to 198.186, the department shall immediately notify the local prosecuting attorney or attorney  
12 general's office.

13          3. Each license shall be issued only for the premises and persons named in the  
14 application. A license, unless sooner revoked, shall be issued for a period of up to two years, in  
15 order to coordinate licensure with certification in accordance with section 198.045.

16          4. If during the period in which a license is in effect, a licensed operator which is a  
17 partnership, limited partnership, or corporation undergoes any of the following changes, or a new  
18 corporation, partnership, limited partnership or other entity assumes operation of a facility

19 whether by one or by more than one action, the current operator shall notify the department of  
20 the intent to change operators and the succeeding operator shall within ten working days of such  
21 change apply for a new license:

22 (1) With respect to a partnership, a change in the majority interest of general partners;

23 (2) With respect to a limited partnership, a change in the general partner or in the  
24 majority interest of limited partners;

25 (3) With respect to a corporation, a change in the persons who own, hold or have the  
26 power to vote the majority of any class of securities issued by the corporation.

27 5. Licenses shall be posted in a conspicuous place on the licensed premises.

28 6. Any license granted shall state the maximum resident capacity for which granted, the  
29 person or persons to whom granted, the date, the expiration date, and such additional information  
30 and special limitations as the department by rule may require.

31 7. The department shall notify the operator at least sixty days prior to the expiration of  
32 an existing license of the date that the license application is due. Application for a license shall  
33 be made to the department at least thirty days prior to the expiration of any existing license.

34 8. The department shall grant an operator a temporary operating permit in order to allow  
35 for state review of the application and inspection for the purposes of relicensure if the application  
36 review and inspection process has not been completed prior to the expiration of a license and the  
37 operator is not at fault for the failure to complete the application review and inspection process.

38 9. The department shall grant an operator a temporary operating permit of sufficient  
39 duration to allow the department to evaluate any application for a license submitted as a result  
40 of any change of operator.

198.070. 1. When any adult day care worker; chiropractor; Christian Science  
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental  
3 health, or health and senior services; employee of a local area agency on aging or an organized  
4 area agency on aging program; funeral director; home health agency or home health agency  
5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;  
6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term  
7 care facility administrator or employee; medical examiner; medical resident or intern; mental  
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;  
9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;  
10 probation or parole officer; psychologist; social worker; or other person with the care of a person  
11 sixty years of age or older or an eligible adult has reasonable cause to believe that a resident of  
12 a facility has been abused or neglected, he or she shall immediately report or cause a report to  
13 be made to the department.

14 2. The report shall contain the name and address of the facility, the name of the resident,  
15 information regarding the nature of the abuse or neglect, the name of the complainant, and any  
16 other information which might be helpful in an investigation.

17           3. Any person required in subsection 1 of this section to report or cause a report to be  
18 made to the department who knowingly fails to make a report within a reasonable time after the  
19 act of abuse or neglect as required in this subsection is guilty of a class A misdemeanor.

20           4. In addition to the penalties imposed by this section, any administrator who knowingly  
21 conceals any act of abuse or neglect resulting in death or serious physical injury, as defined in  
22 section [565.002] **556.061**, is guilty of a class [D] E felony.

23           5. In addition to those persons required to report pursuant to subsection 1 of this section,  
24 any other person having reasonable cause to believe that a resident has been abused or neglected  
25 may report such information to the department.

26           6. Upon receipt of a report, the department shall initiate an investigation within  
27 twenty-four hours and, as soon as possible during the course of the investigation, shall notify the  
28 resident's next of kin or responsible party of the report and the investigation and further notify  
29 them whether the report was substantiated or unsubstantiated unless such person is the alleged  
30 perpetrator of the abuse or neglect. As provided in section [565.186] **197.1010**, substantiated  
31 reports of elder abuse shall be promptly reported by the department to the appropriate law  
32 enforcement agency and prosecutor.

33           7. If the investigation indicates possible abuse or neglect of a resident, the investigator  
34 shall refer the complaint together with the investigator's report to the department director or the  
35 director's designee for appropriate action. If, during the investigation or at its completion, the  
36 department has reasonable cause to believe that immediate removal is necessary to protect the  
37 resident from abuse or neglect, the department or the local prosecuting attorney may, or the  
38 attorney general upon request of the department shall, file a petition for temporary care and  
39 protection of the resident in a circuit court of competent jurisdiction. The circuit court in which  
40 the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the  
41 department authority for the temporary care and protection of the resident, for a period not to  
42 exceed thirty days.

43           8. Reports shall be confidential, as provided pursuant to section [660.320] **197.1040**.

44           9. Anyone, except any person who has abused or neglected a resident in a facility, who  
45 makes a report pursuant to this section or who testifies in any administrative or judicial  
46 proceeding arising from the report shall be immune from any civil or criminal liability for  
47 making such a report or for testifying except for liability for perjury, unless such person acted  
48 negligently, recklessly, in bad faith or with malicious purpose. It is a crime [pursuant to section  
49 565.186 and 565.188] **under section 565.189** for any person to purposely file a false report of  
50 elder abuse or neglect.

51           10. Within five working days after a report required to be made pursuant to this section  
52 is received, the person making the report shall be notified in writing of its receipt and of the  
53 initiation of the investigation.

54           11. No person who directs or exercises any authority in a facility shall evict, harass,  
55 dismiss or retaliate against a resident or employee because such resident or employee or any  
56 member of such resident's or employee's family has made a report of any violation or suspected  
57 violation of laws, ordinances or regulations applying to the facility which the resident, the  
58 resident's family or an employee has reasonable cause to believe has been committed or has  
59 occurred. Through the existing department information and referral telephone contact line,  
60 residents, their families and employees of a facility shall be able to obtain information about their  
61 rights, protections and options in cases of eviction, harassment, dismissal or retaliation due to  
62 a report being made pursuant to this section.

63           12. Any person who abuses or neglects a resident of a facility is subject to criminal  
64 prosecution under section [565.180, 565.182, or] 565.184.

65           13. The department shall maintain the employee disqualification list and place on the  
66 employee disqualification list the names of any persons who are or have been employed in any  
67 facility and who have been finally determined by the department pursuant to section [660.315]  
68 **197.1036** to have knowingly or recklessly abused or neglected a resident. For purposes of this  
69 section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in  
70 this section. A person acts "knowingly" with respect to the person's conduct when a reasonable  
71 person should be aware of the result caused by his or her conduct. A person acts "recklessly"  
72 when the person consciously disregards a substantial and unjustifiable risk that the person's  
73 conduct will result in serious physical injury and such disregard constitutes a gross deviation  
74 from the standard of care that a reasonable person would exercise in the situation.

75           14. The timely self-reporting of incidents to the central registry by a facility shall  
76 continue to be investigated in accordance with department policy, and shall not be counted or  
77 reported by the department as a hot-line call but rather a self-reported incident. If the  
78 self-reported incident results in a regulatory violation, such incident shall be reported as a  
79 substantiated report.

          198.097. 1. Any person who assumes the responsibility of managing the financial affairs  
2 of an elderly or disabled person who is a resident of any facility licensed under this chapter is  
3 guilty of a class [D] E felony if such person misappropriates the funds and fails to pay for the  
4 facility care of the elderly or disabled person. For purposes of this subsection, a person assumes  
5 the responsibility of managing the financial affairs of an elderly person when he or she receives,  
6 has access to, handles, or controls the elderly or disabled person's monetary funds, including but  
7 not limited to Social Security income, pension, cash, or other resident income.

8           2. Evidence of misappropriating funds and failure to pay for the care of an elderly or  
9 disabled person may include but not be limited to proof that the facility has sent, by certified mail  
10 with confirmation receipt requested, notification of failure to pay facility care expenses incurred  
11 by a resident to the person who has assumed responsibility of managing the financial affairs of  
12 the resident.



13           3. Nothing in subsection 2 of this section shall be construed as limiting the investigations  
14 or prosecutions of violations of subsection 1 of this section or the crime of financial exploitation  
15 of an elderly or disabled person as defined by section 570.145.

          198.158. 1. A person committing any act in violation of any provision of sections  
2 198.139 to 198.155 is guilty of a class [D] E felony.

3           2. A vendor or health care provider convicted of a criminal violation of sections 198.139  
4 to 198.155 shall be prohibited from receiving future moneys under Medicaid or from providing  
5 services under Medicaid for or on behalf of any other health care provider. However, the director  
6 of the department or his **or her** designee shall review this prohibition upon the petition of a  
7 vendor or health care provider so convicted and, for good cause shown, may reinstate the vendor  
8 or health care provider as being eligible to receive funds under Medicaid. The decision of the  
9 director or his **or her** designee shall be made in writing after the director of the fraud  
10 investigation division is allowed the opportunity to state his **or her** position concerning such  
11 petition.

12           3. A vendor or health care provider committing any act or omission in violation of  
13 sections 198.139 to 198.155 shall be civilly liable to the state for any moneys obtained under  
14 Medicaid as a result of such act or omission.

          205.965. 1. Counties, state agencies, issuing agencies, retail food outlets, wholesale food  
2 concerns, banks and all persons who participate in or administer any part of the distribution  
3 program of surplus agricultural commodities or a food stamp plan shall comply with all state and  
4 federal laws, rules and regulations applicable to such program or plans and shall be subject to  
5 inspection and audit by the division of family services with respect to the operation of the  
6 program or plan.

7           2. To the extent authorized by federal law, all food stamp vendors shall be approved and  
8 licensed by the division of family services. The division may promulgate rules and regulations  
9 necessary to administer the provisions of this section. The division shall set the amount of the  
10 fees for licensing food stamp vendors at a level to produce revenue which shall not substantially  
11 exceed the cost and expense of administering the provisions of this section. An action may be  
12 brought by the department to temporarily or permanently enjoin or restrain any violation of this  
13 subsection or the regulations applicable thereto. Any action brought under the provisions of this  
14 subsection shall be heard by the court within no more than twenty days after the action has been  
15 filed and service made upon the vendor. Any person who in any way conducts business as a food  
16 stamp vendor without approval and license by the division of family services shall be guilty of  
17 a class A misdemeanor. A second offense within five years after the first conviction shall be a  
18 class [D] E felony.

19           3. No rule or portion of a rule promulgated under the authority of this chapter shall  
20 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

210.165. 1. Any person violating any provision of sections 210.110 to 210.165 is guilty  
2 of a class A misdemeanor.

3 2. Any person who intentionally files a false report of child abuse or neglect shall be  
4 guilty of a class A misdemeanor.

5 3. Every person who has been previously convicted of making a false report to the  
6 division of family services and who is subsequently convicted of making a false report under  
7 subsection 2 of this section is guilty of a class [D] E felony and shall be punished as provided  
8 by law.

9 4. Evidence of prior convictions of false reporting shall be heard by the court, out of the  
10 hearing of the jury, prior to the submission of the case to the jury, and the court shall determine  
11 the existence of the prior convictions.

214.410. 1. Any cemetery operator who shall willfully violate any provisions of sections  
2 214.270 to 214.410 for which no penalty is otherwise prescribed shall be deemed guilty of a  
3 misdemeanor and upon conviction thereof shall be fined a sum not to exceed five hundred  
4 dollars or shall be confined not more than six months or both.

5 2. Any cemetery operator who shall willfully violate any provision of section 214.320,  
6 214.330, 214.335, 214.340, 214.360, 214.385, or 214.387 shall be deemed guilty of a class [D]  
7 E felony and upon conviction thereof shall be fined a sum not to exceed ten thousand dollars or  
8 shall be confined not more than five years or both. This section shall not apply to cemeteries or  
9 cemetery associations which do not sell lots in the cemetery.

10 3. Any trustee who shall willfully violate any applicable provisions of sections 214.270  
11 to 214.410 shall have committed an unsafe and unsound banking practice and shall be penalized  
12 as authorized by chapters 361 and 362. This subsection shall be enforced exclusively by the  
13 Missouri division of finance for state chartered institutions and the Missouri attorney general for  
14 federally chartered institutions.

15 4. Any person who shall willfully violate any provision of section 214.320, 214.330,  
16 214.335, 214.340, 214.360 or 214.385 or violates any rule, regulation or order of the division  
17 may, in accordance with the regulations issued by the division, be assessed an administrative  
18 penalty by the division. The penalty shall not exceed five thousand dollars for each violation and  
19 each day of the continuing violation shall be deemed a separate violation for purposes of  
20 administrative penalty assessment. However, no administrative penalty may be assessed until  
21 the person charged with the violation has been given the opportunity for a hearing on the  
22 violation. Penalty assessments received shall be deposited in the endowed care cemetery audit  
23 fund created in section 193.265.

217.360. 1. It shall be an offense for any person to knowingly deliver, attempt to deliver,  
2 have in his **or her** possession, deposit or conceal in or about the premises of any correctional  
3 center, or city or county jail, or private prison or jail:

4 (1) Any controlled substance as that term is defined by law, except upon the written  
5 prescription of a licensed physician, dentist, or veterinarian;

6 (2) Any other alkaloid of any controlled substance, any spirituous or malt liquor, or any  
7 intoxicating liquor as defined in section 311.020;

8 (3) Any article or item of personal property which an offender is prohibited by law or  
9 by rule and regulation of the division from receiving or possessing;

10 (4) Any gun, knife, weapon, or other article or item of personal property that may be  
11 used in such manner as to endanger the safety or security of the correctional center, or city or  
12 county jail, or private prison or jail or as to endanger the life or limb of any offender or employee  
13 of such a center.

14 2. The violation of subdivision (1) of subsection 1 of this section shall be a class [C] **D**  
15 felony; the violation of subdivision (2) of subsection 1 of this section shall be a class [D] **E**  
16 felony; the violation of subdivision (3) of subsection 1 of this section shall be a class A  
17 misdemeanor; and the violation of subdivision (4) of subsection 1 of this section shall be a class  
18 B felony.

19 3. Any person who has been found guilty of or has pled guilty to a violation of  
20 subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to  
21 expungement of the record of the violation. The procedure to expunge the record shall be  
22 pursuant to section 610.123. The record of any person shall not be expunged if such person has  
23 been found guilty of or has pled guilty to knowingly delivering, attempting to deliver, having in  
24 his **or her** possession, or depositing or concealing any alkaloid of any controlled substance in  
25 or about the premises of any correctional center, or city or county jail, or private prison or jail.

217.385. 1. No offender shall knowingly commit violence to an employee of the  
2 department or to another offender housed in a department correctional center. Violation of this  
3 subsection shall be a class B felony.

4 2. No offender shall knowingly damage any building or other property owned or operated  
5 by the department. Violation of this subsection shall be a class [C] **D** felony.

217.400. 1. A person commits the crime of furnishing unfit food to offenders if he does  
2 any of the following:

3 (1) Knowingly furnishes or delivers any diseased, putrid or otherwise unwholesome meat  
4 from any animal or fowl that was diseased or otherwise unfit for food to any correctional center  
5 operated or funded by the department;

6 (2) Knowingly furnishes or delivers any other unwholesome food, vegetables or  
7 provisions whatsoever to such correctional centers to be used as food by the offenders in such  
8 correctional centers;

9 (3) Knowingly receives or consents to receive as an employee of such correctional center  
10 any diseased or unwholesome meat, food or provisions.

11 2. Furnishing unfit food to offenders is a class [D] **E** felony.

217.405. 1. Except as provided in subsection 3 of this section, a person commits the crime of "offender abuse" if he knowingly injures the physical well-being of any offender under the jurisdiction of the department by beating, striking, wounding or by sexual contact with such person.

2. Offender abuse is a class [C] **D** felony.

3. No employee of the department shall use any physical force on an offender except the employee shall have the right to use such physical force as is necessary to defend himself **or herself**, suppress an individual or group revolt or insurrection, enforce discipline or to secure the offender.

217.542. 1. An offender of the department released to the house arrest program commits the crime of failure to return to house arrest if he **or she** purposely fails to return to his **or her** place of residence or activity authorized by subsection 3 of section 217.541 when he **or she** is required to do so.

2. Failure to return to house arrest is a class [D] **E** felony.

217.543. 1. The jailer of any city not within a county having custody of pretrial detainees or persons serving sentences for violation of state or local laws may establish a program of house arrest consistent with the provisions of this section.

2. Such jailer shall by rule establish a program of house arrest. Such jailer may extend the limits of confinement for pretrial detainees or persons serving sentences for violation of state or local laws.

3. The inmate or detainee shall remain an inmate of such jailer and shall be subject to the rules and regulations of the house arrest program.

4. Such jailer shall require the inmate or detainee to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the inmate or detainee.

5. An inmate or detainee released to house arrest shall be authorized to leave his **or her** place of residence only for the purpose and time necessary to participate in the programs and activities authorized.

6. Such jailer shall supervise every inmate or detainee released to the house arrest program and shall verify compliance with the requirements set forth for each person so released and such other rules and regulations that such jailer shall promulgate, and may do so by remote electronic surveillance. Such jailer may direct to any peace officer the return of any inmate or detainee from house arrest for violation of the conditions of release.

7. Each inmate or detainee who is released on house arrest shall pay a percentage of his **or her** wages to cover the costs of house arrest, such amount to be established by the jailer.

8. An inmate released to the house arrest program pursuant to this section commits the crime of escape from custody if such inmate purposely fails to return to his **or her** place of

24 residence or activity as established by the jailer when he **or she** is required to do so. Escape from  
25 custody is a class [D] E felony.

217.692. 1. Notwithstanding any other provision of law to the contrary, any offender  
2 incarcerated in a correctional institution serving any sentence of life with no parole for fifty years  
3 or life without parole, whose plea of guilt was entered or whose trial commenced prior to  
4 December 31, 1990, and who:

- 5 (1) Pled guilty to or was found guilty of a homicide of a spouse or domestic partner;
- 6 (2) Has no prior violent felony convictions;
- 7 (3) No longer has a cognizable legal claim or legal recourse; and
- 8 (4) Has a history of being a victim of continual and substantial physical or sexual  
9 domestic violence that was not presented as an affirmative defense at trial or sentencing and such  
10 history can be corroborated with evidence of facts or circumstances which existed at the time of  
11 the alleged physical or sexual domestic violence of the offender, including but not limited to  
12 witness statements, hospital records, social services records, and law enforcement records; shall  
13 be eligible for parole after having served fifteen years of such sentence when the board  
14 determines by using the guidelines established by this section that there is a strong and  
15 reasonable probability that the person will not thereafter violate the law.

16 2. The board of probation and parole shall give a thorough review of the case history and  
17 prison record of any offender described in subsection 1 of this section. At the end of the board's  
18 review, the board shall provide the offender with a copy of a statement of reasons for its parole  
19 decision.

20 3. Any offender released under the provisions of this section shall be under the  
21 supervision of the parole board for an amount of time to be determined by the board.

22 4. The parole board shall consider, but not be limited to the following criteria when  
23 making its parole decision:

- 24 (1) Length of time served;
- 25 (2) Prison record and self-rehabilitation efforts;
- 26 (3) Whether the history of the case included corroborative material of physical, sexual,  
27 mental, or emotional abuse of the offender, including but not limited to witness statements,  
28 hospital records, social service records, and law enforcement records;
- 29 (4) If an offer of a plea bargain was made and if so, why the offender rejected or  
30 accepted the offer;
- 31 (5) Any victim information outlined in subsection 7 of section 217.690 and section  
32 595.209;
- 33 (6) The offender's continued claim of innocence;
- 34 (7) The age and maturity of the offender at the time of the board's decision;
- 35 (8) The age and maturity of the offender at the time of the crime and any contributing  
36 influence affecting the offender's judgment;

37 (9) The presence of a workable parole plan; and

38 (10) Community and family support.

39 5. Nothing in this section shall limit the review of any offender's case who is eligible for  
40 parole prior to fifteen years, nor shall it limit in any way the parole board's power to grant parole  
41 prior to fifteen years.

42 6. Nothing in this section shall limit the review of any offender's case who has applied  
43 for executive clemency, nor shall it limit in any way the governor's power to grant clemency.

44 7. It shall be the responsibility of the offender to petition the board for a hearing under  
45 this section.

46 8. A person commits the crime of perjury if he or she, with the purpose to deceive,  
47 knowingly makes a false witness statement to the board. Perjury under this section shall be a  
48 class [C] **D** felony.

49 9. In cases where witness statements alleging physical or sexual domestic violence are  
50 in conflict as to whether such violence occurred or was continual and substantial in nature, the  
51 history of such alleged violence shall be established by other corroborative evidence in addition  
52 to witness statements, as provided by subsection 1 of this section. A contradictory statement of  
53 the victim shall not be deemed a conflicting statement for purposes of this section.

221.025. 1. As an alternative to confinement, an individual may be placed on electronic  
2 monitoring pursuant to subsection 1 of section 544.455 or subsection 6 of section 557.011, with  
3 such terms and conditions as a court shall deem just and appropriate under the circumstances.

4 2. A judge may, in his or her discretion, credit any such period of electronic monitoring  
5 against any period of confinement or incarceration ordered, however, electronic monitoring shall  
6 not be considered to be in custody or incarceration for purposes of eligibility for the MO  
7 HealthNet program, nor shall it be considered confinement in a correctional center or private or  
8 county jail for purposes of determining responsibility for the individual's health care.

9 3. This section shall not authorize a court to place an individual on electronic monitoring  
10 in lieu of the required imprisonment, community service, or court-ordered treatment program  
11 involving community service, if that individual is a prior, persistent, aggravated, [or] chronic,  
12 **or habitual** offender sentenced pursuant to section [577.023] **577.001**.

221.111. 1. No person shall knowingly deliver, attempt to deliver, have in such person's  
2 possession, deposit or conceal in or about the premises of any county or private jail or other  
3 county correctional facility:

4 (1) Any controlled substance as that term is defined by law, except upon the written  
5 prescription of a licensed physician, dentist, or veterinarian;

6 (2) Any other alkaloid of any kind or any spiritous or malt liquor;

7 (3) Any article or item of personal property which a prisoner is prohibited by law or rule  
8 made pursuant to section 221.060 from receiving or possessing, except as herein provided;

9 (4) Any gun, knife, weapon, or other article or item of personal property that may be  
10 used in such manner as to endanger the safety or security of the institution or as to endanger the  
11 life or limb of any prisoner or employee thereof.

12 2. The violation of subdivision (1) of subsection 1 of this section shall be a class [C] **D**  
13 felony; the violation of subdivision (2) of this section shall be a class [D] **E** felony; the violation  
14 of subdivision (3) of this section shall be a class A misdemeanor; and the violation of  
15 subdivision (4) of this section shall be a class B felony.

16 3. The chief operating officer of a county jail or other county correctional facility or the  
17 administrator of a private jail may deny visitation privileges to or refer to the county prosecuting  
18 attorney for prosecution any person who knowingly delivers, attempts to deliver, has in such  
19 person's possession, deposits or conceals in or about the premises of such jail or facility any  
20 personal item which is prohibited by rule or regulation of such jail or facility. Such rules or  
21 regulations, including a list of personal items allowed in the jail or facility, shall be prominently  
22 posted for viewing both inside and outside such jail or facility in an area accessible to any visitor,  
23 and shall be made available to any person requesting such rule or regulation. Violation of this  
24 subsection shall be an infraction if not covered by other statutes.

221.353. 1. A person commits the crime of damage to jail property if such person  
2 knowingly damages any city, county, or private jail building or other jail property.

3 2. A person commits the crime of damage to jail property if such person knowingly starts  
4 a fire in any city, county, or private jail building or other jail property.

5 3. Damage to jail property is a class [D] **E** felony.

252.235. The sale, taking for sale or possession for sale of any species of fish or wildlife,  
2 or parts thereof, which shall include eggs, which have been taken or possessed in violation of the  
3 rules and regulations of the commission, is prohibited. Any person violating the provisions of  
4 this section shall be guilty of a class A misdemeanor for the first offense if the sale amounts to  
5 less than five hundred dollars. Any person violating the provisions of this section shall be guilty  
6 of a class [D] **E** felony for the second and subsequent offense if the sale amounts to less than five  
7 hundred dollars. Any person violating the provisions of this section shall be guilty of a class [C]  
8 **D** felony for the first and all subsequent offenses if the sale amounts to five hundred dollars or  
9 more. "Sale" means the exchange of an amount of money, other negotiable instruments, or  
10 property of value received by the person or persons selling the prohibited species. "Sale", for  
11 purposes of this section, shall also mean the intention to exchange an amount of money, other  
12 negotiable instruments or property of value for a prohibited species. For the purposes of this  
13 section "property" is defined by section 570.010 and value shall be ascertained as set forth in  
14 section 570.020.

260.207. 1. The department of natural resources shall not issue a permit to any person  
2 for the operation of any solid waste processing facility or solid waste disposal area pursuant to  
3 sections 260.200 to 260.345 if such person has been determined to habitually violate Missouri

4 environmental statutes, the environmental statutes of other states or federal statutes pertaining  
5 to environmental control or if such person has had three or more convictions, which convictions  
6 occurred after August 28, 1990, and within any five-year period, within a court of the United  
7 States or of any state other than Missouri or has had two or more convictions within Missouri,  
8 after August 28, 1990, and within any five-year period, for any crimes or criminal acts, an  
9 element of which involves restraint of trade, price-fixing, intimidation of the customers of  
10 another person or for engaging in any other acts which may have the effect of restraining or  
11 limiting competition concerning activities regulated under this chapter or similar laws of other  
12 states or the federal government; except that convictions for violations by entities purchased or  
13 acquired by an applicant or permittee which occurred prior to the purchase or acquisition shall  
14 not be included. For the purpose of this section the term "person" shall include any business  
15 organization or entity, successor corporation, partnership or subsidiary of any business  
16 organization or entity, and the owners and officers thereof, of the entity submitting the  
17 application.

18         2. The director shall suspend, revoke or not renew the permit of any person with a permit  
19 to operate any solid waste processing facility or solid waste disposal area if such person has been  
20 determined by the department of natural resources to habitually violate the requirements of the  
21 Missouri environmental statutes, of the environmental statutes of other states, or of federal  
22 statutes pertaining to environmental control, or if such person has had three or more convictions  
23 in any court of the United States or of any state other than Missouri or has had two or more  
24 convictions within Missouri of crimes as specified herein, if such convictions occur after August  
25 28, 1990, and within any five-year period.

26         3. Any person applying for a permit to operate any facility pursuant to sections 260.200  
27 to 260.345 shall notify the director of any conviction for a crime which would have the effect of  
28 limiting competition. Any person holding a permit shall notify the department of any such  
29 conviction of any crime as specified herein within thirty days of the conviction. Failure to notify  
30 the director is a class [D] E felony and subject to a fine of one thousand dollars per day for each  
31 day unreported.

32         4. Any person who has had a permit denied, revoked or not renewed due to the  
33 provisions of this section may apply to the director for reinstatement after five years have elapsed  
34 from the time of the most recent conviction.

260.208. No city, county, district, authority or other political subdivision of this state  
2 shall enter into a contract or other arrangement for solid waste management services with any  
3 person who has been convicted as set out in section 260.207, which convictions occur after  
4 August 28, 1990, and within any five-year period, except that the prohibitions of this section  
5 shall not apply to any person convicted as provided in section 260.207 after five years have  
6 elapsed from the most recent conviction. Any person submitting a bid to a city, county, district,  
7 authority or other political subdivision for a contract to provide solid waste management services



8 who, after August 28, 1990, has been convicted of crimes which have the effect of limiting  
9 competition as set out in section 260.207, shall notify the city, county, district, authority or other  
10 political subdivision of such conviction with the submission of the bid. Any person with a  
11 contract for solid waste management services with a city, county, district, authority or other  
12 political subdivision of this state who is convicted of crimes which would have the effect of  
13 limiting competition as set out in section 260.207, shall notify the city, county, district, authority  
14 or other political subdivision of such conviction within thirty days of the conviction. Failure to  
15 notify the city, county, district, authority, or other political subdivision as required in this section  
16 is a class [D] E felony and subject to a fine of one thousand dollars per day for each day  
17 unreported.

260.211. 1. A person commits the offense of criminal disposition of demolition waste  
2 if he purposely or knowingly disposes of or causes the disposal of more than two thousand  
3 pounds or four hundred cubic feet of such waste on property in this state other than in a solid  
4 waste processing facility or solid waste disposal area having a permit as required by section  
5 260.205; provided that, this subsection shall not prohibit the use or require a solid waste permit  
6 for the use of solid wastes in normal farming operations or in the processing or manufacturing  
7 of other products in a manner that will not create a public nuisance or adversely affect public  
8 health and shall not prohibit the disposal of or require a solid waste permit for the disposal by  
9 an individual of solid wastes resulting from his or her own residential activities on property  
10 owned or lawfully occupied by him or her when such wastes do not thereby create a public  
11 nuisance or adversely affect the public health. Demolition waste shall not include clean fill or  
12 vegetation. Criminal disposition of demolition waste is a class [D] E felony. In addition to other  
13 penalties prescribed by law, a person convicted of criminal disposition of demolition waste is  
14 subject to a fine not to exceed twenty thousand dollars, except as provided below. The  
15 magnitude of the fine shall reflect the seriousness or potential seriousness of the threat to human  
16 health and the environment posed by the violation, but shall not exceed twenty thousand dollars,  
17 except that if a court of competent jurisdiction determines that the person responsible for illegal  
18 disposal of demolition waste under this subsection did so for remuneration as a part of an  
19 ongoing commercial activity, the court shall set a fine which reflects the seriousness or potential  
20 threat to human health and the environment which at least equals the economic gain obtained by  
21 the person, and such fine may exceed the maximum established herein.

22 2. Any person who purposely or knowingly disposes of or causes the disposal of more  
23 than two thousand pounds or four hundred cubic feet of his or her personal construction or  
24 demolition waste on his or her own property shall be guilty of a class [C] D misdemeanor. If  
25 such person receives any amount of money, goods, or services in connection with permitting any  
26 other person to dispose of construction or demolition waste on his or her property, such person  
27 shall be guilty of a class [D] E felony.

28           3. The court shall order any person convicted of illegally disposing of demolition waste  
29 upon his **or her** own property for remuneration to clean up such waste and, if he **or she** fails to  
30 clean up the waste or if he **or she** is unable to clean up the waste, the court may notify the county  
31 recorder of the county containing the illegal disposal site. The notice shall be designed to be  
32 recorded on the record.

33           4. The court may order restitution by requiring any person convicted under this section  
34 to clean up any demolition waste he illegally dumped and the court may require any such person  
35 to perform additional community service by cleaning up and properly disposing of demolition  
36 waste illegally dumped by other persons.

37           5. The prosecutor of any county or circuit attorney of any city not within a county may,  
38 by information or indictment, institute a prosecution for any violation of the provisions of this  
39 section.

40           6. Any person shall be guilty of conspiracy as defined in section 564.016 if he or she  
41 knows or should have known that his or her agent or employee has committed the acts described  
42 in sections 260.210 to 260.212 while engaged in the course of employment.

260.212. 1. A person commits the offense of criminal disposition of solid waste if he  
2 purposely or knowingly disposes of or causes the disposal of more than five hundred pounds or  
3 one hundred cubic feet of commercial or residential solid waste on property in this state other  
4 than a solid waste processing facility or solid waste disposal area having a permit as required by  
5 section 260.205; provided that, this subsection shall not prohibit the use or require a solid waste  
6 permit for the use of solid wastes in normal farming operations or in the processing or  
7 manufacturing of other products in a manner that will not create a public nuisance or adversely  
8 affect public health and shall not prohibit the disposal of or require a solid waste permit for the  
9 disposal by an individual of solid wastes resulting from his or her own residential activities on  
10 property owned or lawfully occupied by him or her when such wastes do not thereby create a  
11 public nuisance or adversely affect the public health. Criminal disposition of solid waste is a  
12 class [D] **E** felony. In addition to other penalties prescribed by law, a person convicted of  
13 criminal disposition of solid waste is subject to a fine, and the magnitude of the fine shall reflect  
14 the seriousness or potential seriousness of the threat to human health and the environment posed  
15 by the violation, but shall not exceed twenty thousand dollars, except that if a court of competent  
16 jurisdiction determines that the person responsible for illegal disposal of solid waste under this  
17 subsection did so for remuneration as a part of an ongoing commercial activity, the court shall  
18 set a fine which reflects the seriousness or potential threat to human health and the environment  
19 which at least equals the economic gain obtained by the person, and such fine may exceed the  
20 maximum established herein.

21           2. The court shall order any person convicted of illegally disposing of solid waste upon  
22 his **or her** own property for remuneration to clean up such waste and, if he **or she** fails to clean  
23 up the waste or if he **or she** is unable to clean up the waste, the court may notify the county

24 recorder of the county containing the illegal disposal site. The notice shall be designed to be  
25 recorded on the record.

26         3. The court may order restitution by requiring any person convicted under this section  
27 to clean up any commercial or residential solid waste he illegally dumped and the court may  
28 require any such person to perform additional community service by cleaning up commercial or  
29 residential solid waste illegally dumped by other persons.

30         4. The prosecutor of any county or circuit attorney of any city not within a county may,  
31 by information or indictment, institute a prosecution for any violation of the provisions of this  
32 section.

33         5. Any person shall be guilty of conspiracy as defined in section 564.016 if he knows or  
34 should have known that his **or her** agent or employee has committed the acts described in  
35 sections 260.210 to 260.212 while engaged in the course of employment.

260.379. 1. The department of natural resources shall not issue a permit to any person  
2 for the operation of any facility or issue any license to any person under the authority of sections  
3 260.350 to 260.434, if such person has had three or more convictions, which convictions  
4 occurred after July 9, 1990, and within any five-year period within the courts of the United States  
5 or of any state except Missouri or had two or more convictions within a Missouri court after July  
6 9, 1990, and within any five-year period, for any crimes or criminal acts, an element of which  
7 involves restraint of trade, price-fixing, intimidation of the customers of any person or for  
8 engaging in any other acts which may have the effect of restraining or limiting competition  
9 concerning activities regulated under this chapter or similar laws of other states or the federal  
10 government; except that convictions for violations by entities purchased or acquired by an  
11 applicant or permittee which occurred prior to the purchase or acquisition shall not be included.  
12 For the purpose of this section, the term "person" shall include any business organization or  
13 entity, successor corporation, partnership or subsidiary of any business organization or entity,  
14 and the owners and officers thereof, or the entity submitting the application.

15         2. The director shall suspend, revoke or not renew the permit or license of any person  
16 issued pursuant to sections 260.350 to 260.434, if such person has had two or more convictions  
17 in any court of the United States or of any state other than Missouri or two or more convictions  
18 within a Missouri court for crimes as specified herein if such conviction occurred after July 9,  
19 1990, and within any five-year period.

20         3. Any person applying for a permit or license under sections 260.350 to 260.434 shall  
21 notify the director of any conviction for any act which would have the effect of limiting  
22 competition. Any person with a permit or license shall notify the department of any such  
23 conviction within thirty days of the conviction or plea. Failure to notify the director is a class  
24 [D] E felony and subject to a fine of one thousand dollars per day for each day unreported.

25         4. Provided that after a period of five years after a permit has been revoked under the  
26 provisions of this section, the person, firm or corporation affected may apply for rehabilitation

27 and reinstatement to the director of the department. The department shall promulgate the  
28 necessary rules and regulations for rehabilitation and reinstatement. The time period for same  
29 shall not exceed five years.

270.260. 1. Any person who recklessly or knowingly releases any swine to live in a wild  
2 or feral state upon any public land or private land not completely enclosed by a fence capable of  
3 containing such animals is guilty of a class A misdemeanor. Each swine so released shall be a  
4 separate offense.

5 2. Every person who has previously pled guilty to or been found guilty of violating the  
6 provisions of this section, committed on two separate occasions where such offense occurred  
7 within ten years of the date of the occurrence of the present offense and who subsequently pleads  
8 guilty to or is found guilty of violating this section shall be guilty of a class [D] E felony.

9 3. Nothing in this section shall be construed to criminalize the accidental escape of  
10 domestic swine.

276.421. 1. All applications shall be accompanied by a true and accurate financial  
2 statement of the applicant, prepared within six months of the date of application, setting forth  
3 all the assets, liabilities and net worth of the applicant. In the event that the applicant has been  
4 engaged in business as a grain dealer for at least one year, the financial statement shall set forth  
5 the aggregate dollar amount paid for grain purchased in Missouri and those states with whom  
6 Missouri has entered into contracts or agreements as authorized by section 276.566 during the  
7 last completed fiscal period of the applicant. In the event the applicant has been engaged in  
8 business for less than one year or has not previously engaged in business as a grain dealer, the  
9 financial statement shall set forth the estimated aggregate dollar amount to be paid for grain  
10 purchased in Missouri and those states with whom Missouri has entered into contracts or  
11 agreements as authorized by section 276.566 during the applicant's initial fiscal period. All  
12 applications shall also be accompanied by a true and accurate statement of income and expenses  
13 for the applicant's most recently completed fiscal year. The financial statements required by this  
14 chapter shall be prepared in conformity with generally accepted accounting principles; except  
15 that the director may promulgate rules allowing for the valuation of assets by competent  
16 appraisal.

17 2. The financial statement required by subsection 1 of this section shall be audited or  
18 reviewed by a certified public accountant. The financial statement may not be audited or  
19 reviewed by the applicant, or an employee of the applicant, if an individual, or, if the applicant  
20 is a corporation or partnership, by an officer, shareholder, partner, or a direct employee of the  
21 applicant.

22 3. The director may require any additional information or verification with respect to the  
23 financial resources of the applicant as he deems necessary for the effective administration of this  
24 chapter. The director may promulgate rules setting forth minimum standards of acceptance for  
25 the various types of financial statements filed in accordance with the provisions of this chapter.

26 The director may promulgate rules requiring a statement of retained earnings, a statement of  
27 changes in financial position, and notes and disclosures to the financial statements for all  
28 licensed grain dealers or all grain dealers required to be licensed. The additional information or  
29 verification referred to herein may include, but is not limited to, requiring that the financial  
30 statement information be reviewed or audited in accordance with standards established by the  
31 American Institute of Certified Public Accountants.

32 4. All grain dealers shall provide the director with a copy of all financial statements and  
33 updates to financial statements utilized to secure the bonds required by sections 276.401 to  
34 276.582.

35 5. All financial statements submitted to the director for the purposes of this chapter shall  
36 be accompanied by a certification by the applicant or the chief executive officer of the applicant,  
37 subject to the penalty provision set forth in subsection 4 of section 276.536, that to the best of  
38 his **or her** knowledge and belief the financial statement accurately reflects the financial condition  
39 of the applicant for the fiscal period covered in the statement.

40 6. Any person who knowingly prepares or assists in the preparation of an inaccurate or  
41 false financial statement which is submitted to the director for the purposes of this chapter, or  
42 who during the course of providing bookkeeping services or in reviewing or auditing a financial  
43 statement which is submitted to the director for the purposes of this chapter, becomes aware of  
44 false information in the financial statement and does not disclose in notes accompanying the  
45 financial statements that such false information exists, or does not disassociate himself from the  
46 financial statements prior to submission, is guilty of a class [C] **D** felony. Additionally, such  
47 persons are liable for any damages incurred by sellers of grain selling to a grain dealer who is  
48 licensed or allowed to maintain his **or her** license based upon inaccuracies or falsifications  
49 contained in the financial statement.

50 7. Any licensed grain dealer or applicant for a grain dealer's license shall maintain a  
51 minimum net worth equal to five percent of annual grain purchases as set forth in the financial  
52 statements required by this chapter. If the dealer or applicant is deficient in meeting this net  
53 worth requirement, he **or she** must post additional bond as required in section 276.436.

54 8. (1) Any licensed grain dealer or applicant for a grain dealer's license shall have and  
55 maintain current assets at least equal to one hundred percent of current liabilities. The financial  
56 statement required by this chapter shall set forth positive working capital in the form of a current  
57 ratio of the total adjusted current assets to the total adjusted current liabilities of at least one to  
58 one.

59 (2) The director may allow applicants to offset negative working capital by increasing  
60 the grain dealer surety bond required by section 276.426 up to the total amount of negative  
61 working capital at the discretion of the director.

62 (3) Adjusted current assets shall be calculated by deducting from the stated current assets  
63 shown on the financial statement submitted by the applicant any current asset resulting from

64 notes receivable from related persons, accounts receivable from related persons, stock  
65 subscriptions receivable, and any other related person receivables.

66 (4) A disallowed current asset shall be netted against any related liability and the net  
67 result, if an asset, shall be subtracted from the current assets.

276.536. 1. Upon conviction, any person who does any of the following is guilty of a  
2 class B misdemeanor:

3 (1) Engaging in the business of being a grain dealer without securing a license prior to  
4 engaging in said business. If a grain dealer has been charged, and has paid, a penalty fee for  
5 operating without a license as set forth in section 276.411, the grain dealer may not be charged  
6 with a class B misdemeanor for operating without a license for the time period covered by the  
7 penalty fee;

8 (2) Violating any of the provisions of sections 276.401 to 276.581;

9 (3) Impeding, hindering, obstructing, or otherwise preventing or attempting to prevent  
10 the director, the director's designated representative, employees, or any auditor in the  
11 performance of his **or her** duty in connection with sections 276.401 to 276.581 or the regulations  
12 promulgated pursuant thereto;

13 (4) On the part of any person, refusing to permit inspection of his **or her** premises,  
14 books, accounts or records as provided in sections 276.401 to 276.581.

15 2. In case of a continuing violation, each day a violation occurs constitutes a separate  
16 and distinct offense.

17 3. It shall be the duty of the attorney general or each prosecuting attorney to whom any  
18 violation of sections 276.401 to 276.581 is reported to cause appropriate proceedings under this  
19 section to be instituted and prosecuted in a court of competent jurisdiction without delay. Before  
20 a violation is reported for prosecution, the director may give the grain dealer an opportunity to  
21 present his **or her** views at an informal hearing. In the event the director determines that a  
22 prosecutor to whom a violation has been reported has failed to institute appropriate proceedings,  
23 the director may make a written report of the failure to institute proceedings to the attorney  
24 general. The attorney general may investigate the circumstances which resulted in the report.  
25 If the attorney general determines additional proceedings are appropriate, he **or she** shall cause  
26 such proceedings to be instituted. When the attorney general causes such a proceeding to be  
27 instituted, he **or she** shall have all the powers and rights of the office of the prosecuting attorney  
28 to whom the violation was originally reported. Such powers and rights are restricted to the  
29 prosecution of the specific case reported.

30 4. A grain dealer licensed or required to be licensed under sections 276.401 to 276.581,  
31 or any officer, agent, or servant of such grain dealer who files false records, scale tickets,  
32 financial papers or accounts with the director, or who withholds records, scale tickets, financial  
33 papers or accounts from the director, or who alters records, scale tickets, financial papers or  
34 accounts in order to conceal amounts owed to sellers of grain or actual amounts of grain received

35 and paid or not paid for or for the purpose of in any way misleading department auditors and  
36 officials is, upon conviction, guilty of a class [C] **D** felony.

37 5. Any duly authorized officer or employee appointed under the provisions of sections  
38 276.401 to 276.581 who neglects his **or her** duty, or who knowingly or carelessly inspects,  
39 grades, tests, or weighs any grain improperly, conducts an inspection improperly, intentionally  
40 falsifies any inspection report, or intentionally gives false information, or who accepts any money  
41 or other valuable consideration, directly or indirectly, for any neglect of duty as such duly  
42 authorized officer or employee in the performance of his **or her** duties as such officer or  
43 employee is deemed guilty of a class B misdemeanor.

277.180. 1. Any person who offers a bribe to any livestock market or sale operator or  
2 market veterinarian for the purpose of inducing such operator or veterinarian to violate the  
3 provisions of this chapter shall be guilty of a class [D] **E** felony.

4 2. Nothing contained in this chapter shall be construed to authorize any private cause  
5 of action, or to establish any substitute principal of a law in connection therewith.

285.306. Every employee shall complete the withholding form referred to in section  
2 285.300. Any such employee who refuses to complete the withholding form shall be guilty of  
3 a class [D] **E** felony.

285.308. Any employee who states on the withholding form that he does not owe child  
2 support when such employee knowingly owes child support pursuant to a valid court order or  
3 administrative order is guilty of a class [D] **E** felony.

287.128. 1. It shall be unlawful for any person to knowingly present or cause to be  
2 presented any false or fraudulent claim for the payment of benefits pursuant to a workers'  
3 compensation claim.

4 2. It shall be unlawful for any insurance company or self-insurer in this state to  
5 knowingly and intentionally refuse to comply with known and legally indisputable compensation  
6 obligations with intent to defraud.

7 3. It shall be unlawful for any person to:

8 (1) Knowingly present multiple claims for the same occurrence with intent to defraud;

9 (2) Knowingly assist, abet, solicit or conspire with:

10 (a) Any person who knowingly presents any false or fraudulent claim for the payment  
11 of benefits;

12 (b) Any person who knowingly presents multiple claims for the same occurrence with  
13 an intent to defraud; or

14 (c) Any person who purposefully prepares, makes or subscribes to any writing with the  
15 intent to present or use the same, or to allow it to be presented in support of any such claim;

16 (3) Knowingly make or cause to be made any false or fraudulent claim for payment of  
17 a health care benefit;

18 (4) Knowingly submit a claim for a health care benefit which was not used by, or on  
19 behalf of, the claimant;

20 (5) Knowingly present multiple claims for payment of the same health care benefit with  
21 an intent to defraud;

22 (6) Knowingly make or cause to be made any false or fraudulent material statement or  
23 material representation for the purpose of obtaining or denying any benefit;

24 (7) Knowingly make or cause to be made any false or fraudulent statements with regard  
25 to entitlement to benefits with the intent to discourage an injured worker from making a  
26 legitimate claim;

27 (8) Knowingly make or cause to be made a false or fraudulent material statement to an  
28 investigator of the division in the course of the investigation of fraud or noncompliance. For the  
29 purposes of subdivisions (6), (7), and (8) of this subsection, the term "statement" includes any  
30 notice, proof of injury, bill for services, payment for services, hospital or doctor records, X-ray  
31 or test results.

32 4. Any person violating any of the provisions of subsection 1 or 2 of this section shall  
33 be guilty of a class **[D] E** felony. In addition, the person shall be liable to the state of Missouri  
34 for a fine up to ten thousand dollars or double the value of the fraud whichever is greater. Any  
35 person violating any of the provisions of subsection 3 of this section shall be guilty of a class A  
36 misdemeanor and the person shall be liable to the state of Missouri for a fine up to ten thousand  
37 dollars. Any person who has previously pled guilty to or has been found guilty of violating any  
38 of the provisions of subsection 1, 2 or 3 of this section and who subsequently violates any of the  
39 provisions of subsection 1, 2 or 3 of this section shall be guilty of a class **[C] D** felony.

40 5. It shall be unlawful for any person, company, or other entity to prepare or provide an  
41 invalid certificate of insurance as proof of workers' compensation insurance. Any person  
42 violating any of the provisions of this subsection shall be guilty of a class **[D] E** felony and, in  
43 addition, shall be liable to the state of Missouri for a fine up to ten thousand dollars or double  
44 the value of the fraud, whichever is greater.

45 6. Any person who knowingly misrepresents any fact in order to obtain workers'  
46 compensation insurance at less than the proper rate for that insurance shall be guilty of a class  
47 A misdemeanor. Any person who has previously pled guilty to or has been found guilty of  
48 violating any of the provisions of this section and who subsequently violates any of the  
49 provisions of this section shall be guilty of a class **[D] E** felony.

50 7. Any employer who knowingly fails to insure his liability pursuant to this chapter shall  
51 be guilty of a class A misdemeanor and, in addition, shall be liable to the state of Missouri for  
52 a penalty in an amount up to three times the annual premium the employer would have paid had  
53 such employer been insured or up to fifty thousand dollars, whichever amount is greater. Any  
54 person who has previously pled guilty to or has been found guilty of violating any of the



55 provisions of this section and who subsequently violates any of the provisions of this section  
56 shall be guilty of a class [D] E felony.

57         8. Any person may file a complaint alleging fraud or noncompliance with this chapter  
58 with a legal advisor in the division of workers' compensation. The legal advisor shall refer the  
59 complaint to the fraud and noncompliance unit within the division. The unit shall investigate  
60 all complaints and present any finding of fraud or noncompliance to the director, who may refer  
61 the file to the attorney general. The attorney general may prosecute any fraud or noncompliance  
62 associated with this chapter. All costs incurred by the attorney general associated with any  
63 investigation and prosecution pursuant to this subsection shall be paid out of the workers'  
64 compensation fund. Any fines or penalties levied and received as a result of any prosecution  
65 under this section shall be paid to the workers' compensation fund. Any restitution ordered as  
66 a part of the judgment shall be paid to the person or persons who were defrauded.

67         9. Any and all reports, records, tapes, photographs, and similar materials or  
68 documentation submitted by any person, including the department of insurance, financial  
69 institutions and professional registration, to the fraud and noncompliance unit or otherwise  
70 obtained by the unit pursuant to this section, used to conduct an investigation for any violation  
71 under this chapter, shall be considered confidential and not subject to the requirements of chapter  
72 610. Nothing in this subsection prohibits the fraud and noncompliance unit from releasing  
73 records used to conduct an investigation to the local, state, or federal law enforcement authority  
74 or federal or state agency conducting an investigation, upon written request.

75         10. There is hereby established in the division of workers' compensation a fraud and  
76 noncompliance administrative unit responsible for investigating incidences of fraud and failure  
77 to comply with the provisions of this chapter.

78         11. Any prosecution for a violation of the provisions of this section or section 287.129  
79 shall be commenced within three years after discovery of the offense by an aggrieved party or  
80 by a person who has a legal duty to represent an aggrieved party and who is not a party to the  
81 offense. As used in this subsection, the term "person who has a legal duty to represent an  
82 aggrieved party" shall mean the attorney general or the prosecuting attorney having jurisdiction  
83 to prosecute the action.

84         12. By January 1, 2006, the attorney general shall forward to the division and the  
85 members of the general assembly the first edition of an annual report of the costs of prosecuting  
86 fraud and noncompliance under this chapter. The report shall include the number of cases filed  
87 with the attorney general by county by the fraud and noncompliance unit, the number of cases  
88 prosecuted by county by the attorney general, fines and penalties levied and received, and all  
89 incidental costs.

287.129. 1. A health care provider commits a fraudulent workers' compensation  
2 insurance act if he knowingly and with intent to defraud presents, causes to be presented, or  
3 prepares with knowledge or belief that it will be presented, to or by an insurer, purported insurer,

4 broker, or any agent thereof, any claim for payment or other benefit which involves any one or  
5 more of the following false billing practices:

6 (1) "Unbundling" an insurance claim by claiming a number of medical procedures were  
7 performed instead of a single comprehensive procedure;

8 (2) "Upcoding" a medical, hospital or rehabilitative insurance claim by claiming that a  
9 more serious or extensive procedure was performed than was actually performed;

10 (3) "Exploding" a medical, hospital or rehabilitative insurance claim by claiming a series  
11 of tests were performed on a single sample of blood, urine, or other bodily fluid, when actually  
12 the series of tests were part of one battery of tests; or

13 (4) "Duplicating" a medical, hospital or rehabilitative insurance claim made by a health  
14 care provider by resubmitting the claim through another health care provider in which the  
15 original health care provider has an ownership interest. Nothing in this section shall prohibit  
16 providers from making good faith efforts to ensure that claims for reimbursement are coded to  
17 reflect the proper diagnosis and treatment.

18 2. If, by its own inquiries or as a result of complaints, the department of insurance,  
19 financial institutions and professional registration has reason to believe that a person has engaged  
20 in, or is engaging in, any fraudulent workers' compensation insurance act contained in this  
21 section, it may administer oaths and affirmations, serve subpoenas ordering the attendance of  
22 witnesses or proffering of matter, and collect evidence.

23 3. If the matter that the department of insurance, financial institutions and professional  
24 registration seeks to obtain by request is located outside the state, the person so requested may  
25 make it available to the division or its representative to examine the matter at the place where  
26 it is located. The department may designate representatives, including officials of the state in  
27 which the matter is located, to inspect the matter on its behalf, and it may respond to similar  
28 requests from officials of other states.

29 4. Any person violating any of the provisions of subsection 1 of this section is guilty of  
30 a class A misdemeanor and the person shall be liable to the state of Missouri for a fine up to  
31 twenty thousand dollars. Any person who has previously pled guilty to or has been found guilty  
32 of violating any of the provisions of subsection 1 of this section and who subsequently violates  
33 any of the provisions of subsection 1 of this section is guilty of a class [D] E felony.

288.250. 1. Information obtained from any employing unit or individual pursuant to the  
2 administration of this law shall be held confidential and shall not be published, further disclosed,  
3 or be open to public inspection in any manner revealing the individual's or employing unit's  
4 identity, but any claimant or employing unit or their authorized representative shall be supplied  
5 with information from the division's records to the extent necessary for the proper preparation  
6 and presentation of any claim for unemployment compensation benefits or protest of employer  
7 liability. Further, upon receipt of a written request from a claimant or his or her authorized  
8 representative, the division shall supply information previously submitted to the division by the

9 claimant, the claimant's wage history and the claimant's benefit payment history. In addition,  
10 upon receipt of a written request from an authorized representative of an employing unit, the  
11 division shall supply information previously submitted to the division by the employing unit, and  
12 information concerning the payment of benefits from the employer's account and the  
13 unemployment compensation fund, including amounts paid to specific claimants. A state or  
14 federal official or agency may receive disclosures to the extent required by federal law. In the  
15 division's discretion, any other party may receive disclosures to the extent authorized by state and  
16 federal law. Any information obtained by the division in the administration of this law shall be  
17 privileged and no individual or type of organization shall be held liable for slander or libel on  
18 account of any such information.

19 2. Any person who intentionally discloses or otherwise fails to protect confidential  
20 information in violation of this section shall be guilty of a class A misdemeanor. For a second  
21 or subsequent violation, the person shall be guilty of a class [D] E felony.

288.395. Any person or entity perpetrating a fraud or misrepresentation under this  
2 chapter for which a penalty has not herein been specifically provided shall be guilty of a class  
3 A misdemeanor and, in addition, shall be liable to this state for a civil penalty not to exceed the  
4 value of the fraud.

5 Any person or entity who has previously pled guilty to or has been found guilty of perpetrating  
6 a fraud or misrepresentation under this chapter and who subsequently violated any such  
7 provisions shall be guilty of a class [D] E felony.

301.390. 1. No person shall sell, or offer for sale, or shall knowingly have the custody  
2 or possession of a motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire,  
3 piece of farm machinery, farm implement, or piece of construction equipment on which the  
4 original manufacturer's number or other distinguishing number has been destroyed, removed,  
5 covered, altered or defaced, and no person shall sell, offer for sale, or knowingly have the  
6 custody or possession of a motor vehicle or trailer having no manufacturer's number or other  
7 original number, or distinguishing number. Every motor vehicle and trailer shall have an original  
8 manufacturer's number or other distinguishing number assigned by the manufacturer.

9 2. Every peace officer who has probable cause to believe and has knowledge of a motor  
10 vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery,  
11 farm implement, or piece of construction equipment, the number of which has been removed,  
12 covered, altered, destroyed or defaced, and for which no special number has been issued, shall  
13 be authorized to immediately seize and take possession of such motor vehicle, vehicle part, boat,  
14 outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece  
15 of construction equipment, and may arrest the supposed owner or custodian thereof and cause  
16 prosecution to be begun in a court of competent jurisdiction.

17 3. The law enforcement authority having seized it shall retain custody of the motor  
18 vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm machinery,

19 farm implement, or piece of construction equipment pending the prosecution of the person  
20 arrested. If the person arrested should be found guilty, such motor vehicle, vehicle part, boat,  
21 outboard motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece  
22 of construction equipment shall be transferred to the custody of the court until the fine and costs  
23 of prosecution are paid. No property shall be released from the custody of the court until a  
24 special number shall have been issued by the director of revenue on an application of the  
25 supposed owner, approved by the court.

26 4. In case such fine and costs not be paid within thirty days from the date of judgment,  
27 the court shall advertise and sell such motor vehicle, boat, outboard motor, vehicle part, trailer,  
28 motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment  
29 in the manner provided by law for the sale of personal property under execution. The  
30 advertisement shall contain a description of the motor vehicle, vehicle part, boat, outboard  
31 motor, trailer, motor vehicle tire, piece of farm machinery, farm implement, or piece of  
32 construction equipment and a copy thereof shall be mailed to the director of revenue. The  
33 proceeds of such sale shall be applied, first, to the payment of the fine and costs of the  
34 prosecution and sale, and any sum remaining shall be paid by the court to the owner, and the  
35 motor vehicle, vehicle part, boat, outboard motor, trailer, motor vehicle tire, piece of farm  
36 machinery, farm implement, or piece of construction equipment shall not be delivered to the  
37 purchaser thereof until he shall first have secured a special number from the director of revenue,  
38 on the application of the purchaser, approved by the court.

39 5. If at any time while such motor vehicle, vehicle part, boat, outboard motor, trailer,  
40 motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment  
41 remains in the custody of the court or law enforcement authority having seized it, the true owner  
42 thereof shall appear and prove to the satisfaction of the court or law enforcement authority proper  
43 ownership of and entitlement to said item, it shall be returned to the owner after he has obtained  
44 from the director of revenue a special number, on application made by the owner.

45 6. Violation of any provision of this section is a class [D] E felony.

301.400. Any person who removes, covers, alters or defaces, or causes to be destroyed,  
2 removed, covered, altered or defaced, the manufacturer's number, the motor number or other  
3 distinguishing number on any motor vehicle, or number or other distinguishing number on any  
4 motor vehicle tire, piece of farm machinery, farm implement, or piece of construction equipment,  
5 the property of another, for any reason, shall be deemed guilty of a class [C] D felony.

301.401. 1. Any person who removes, covers, alters, or defaces, or causes to be  
2 destroyed, removed, covered, altered, or defaced, the manufacturer's serial number, the motor  
3 number or other distinguishing number on special mobile equipment or special mobile  
4 equipment tires, the property of another, for any reason, shall be deemed guilty of a class [D] E  
5 felony. Further, any person who knowingly buys, sells, receives, disposes of, conceals or has in  
6 his possession special mobile equipment or special mobile equipment tires from which the

7 manufacturer's serial number, motor number or other distinguishing number has been removed,  
8 covered, altered, defaced or destroyed shall be deemed guilty of a class [D] E felony.

9         2. Every peace officer who has probable cause to believe that and has knowledge of an  
10 item of special mobile equipment on which the original manufacturer's distinguishing number  
11 has been removed, covered, altered, or defaced shall be authorized to seize immediately and to  
12 take possession of said item of special mobile equipment.

13         3. If at any time while such special mobile equipment remains in the custody of the law  
14 enforcement authority having seized it, the true owner thereof shall appear and prove to the  
15 satisfaction of such law enforcement authority his ownership of and entitlement to said item of  
16 special mobile equipment, it shall be returned to said owner subject to its being made available  
17 for use in any criminal prosecution under this section.

18         4. If, after twelve months, no person has appeared and proved he is the true owner of an  
19 item of special mobile equipment seized under this section, the court in which such prosecution  
20 was begun may advertise and sell said item of special mobile equipment under such terms as are  
21 reasonable. The proceeds of such sale shall be applied, first, to the payment of any expenses  
22 incurred in association with such sale; second, to the payment of the fine and costs of  
23 prosecution; and the balance, if any, shall be paid over to the county commission of the county  
24 in which the prosecution was begun for its application to that county's general revenues.

301.559. 1. It shall be unlawful for any person to engage in business as or act as a motor  
2 vehicle dealer, boat dealer, manufacturer, boat manufacturer, public motor vehicle auction,  
3 wholesale motor vehicle auction or wholesale motor vehicle dealer without first obtaining a  
4 license from the department as required in sections 301.550 to 301.573. Any person who  
5 maintains or operates any business wherein a license is required pursuant to the provisions of  
6 sections 301.550 to 301.573, without such license, is guilty of a class A misdemeanor. Any  
7 person committing a second violation of sections 301.550 to 301.573 shall be guilty of a class  
8 [D] E felony.

9         2. All dealer licenses shall expire on December thirty-first of each year. The department  
10 shall notify each person licensed under sections 301.550 to 301.573 of the date of license  
11 expiration and the amount of the fee required for renewal. The notice shall be mailed at least  
12 ninety days before the date of license expiration to the licensee's last known business address.

13         3. Every manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle  
14 dealer, wholesale motor vehicle auction, boat dealer or public motor vehicle auction shall make  
15 application to the department for issuance of a license. The application shall be on forms  
16 prescribed by the department and shall be issued under the terms and provisions of sections  
17 301.550 to 301.573 and require all applicants, as a condition precedent to the issuance of a  
18 license, to provide such information as the department may deem necessary to determine that the  
19 applicant is bona fide and of good moral character, except that every application for a license

20 shall contain, in addition to such information as the department may require, a statement to the  
21 following facts:

22 (1) The name and business address, not a post office box, of the applicant and the  
23 fictitious name, if any, under which he intends to conduct his business; and if the applicant be  
24 a partnership, the name and residence address of each partner, an indication of whether the  
25 partner is a limited or general partner and the name under which the partnership business is to  
26 be conducted. In the event that the applicant is a corporation, the application shall list the names  
27 of the principal officers of the corporation and the state in which it is incorporated. Each  
28 application shall be verified by the oath or affirmation of the applicant, if an individual, or in the  
29 event an applicant is a partnership or corporation, then by a partner or officer;

30 (2) Whether the application is being made for registration as a manufacturer, boat  
31 manufacturer, new motor vehicle franchise dealer, used motor vehicle dealer, wholesale motor  
32 vehicle dealer, boat dealer, wholesale motor vehicle auction or a public motor vehicle auction;

33 (3) When the application is for a new motor vehicle franchise dealer, the application  
34 shall be accompanied by a copy of the franchise agreement in the registered name of the  
35 dealership setting out the appointment of the applicant as a franchise holder and it shall be signed  
36 by the manufacturer, or his authorized agent, or the distributor, or his authorized agent, and shall  
37 include a description of the make of all motor vehicles covered by the franchise. The department  
38 shall not require a copy of the franchise agreement to be submitted with each renewal application  
39 unless the applicant is now the holder of a franchise from a different manufacturer or distributor  
40 from that previously filed, or unless a new term of agreement has been entered into;

41 (4) When the application is for a public motor vehicle auction, that the public motor  
42 vehicle auction has met the requirements of section 301.561.

43 4. No insurance company, finance company, credit union, savings and loan association,  
44 bank or trust company shall be required to obtain a license from the department in order to sell  
45 any motor vehicle, trailer or vessel repossessed or purchased by the company on the basis of total  
46 destruction or theft thereof when the sale of the motor vehicle, trailer or vessel is in conformance  
47 with applicable title and registration laws of this state.

48 5. No person shall be issued a license to conduct a public motor vehicle auction or  
49 wholesale motor vehicle auction if such person has a violation of sections 301.550 to 301.573  
50 or other violations of chapter 301, sections 407.511 to 407.556, or [section 578.120] **subsection**  
51 **8 of section 578.100** which resulted in a felony conviction or finding of guilt or a violation of  
52 any federal motor vehicle laws which resulted in a felony conviction or finding of guilt.

301.640. 1. Within five business days after the satisfaction of any lien or encumbrance  
2 of a motor vehicle or trailer, the lienholder shall release the lien or encumbrance on the  
3 certificate or a separate document, and mail or deliver the certificate or a separate document to  
4 the owner or any person who delivers to the lienholder an authorization from the owner to  
5 receive the certificate or such documentation. The release on the certificate or separate document

6 shall be notarized. Each perfected subordinate lienholder, if any, shall release such lien or  
7 encumbrance as provided in this section for the first lienholder. The owner may cause the  
8 certificate to be mailed or delivered to the director of revenue, who shall issue a new certificate  
9 of ownership upon application and payment of the required fee. A lien or encumbrance shall be  
10 satisfied for the purposes of this section when a lienholder receives payment in full in the form  
11 of certified funds, as defined in section 381.410, or when the lienholder receives payment in full  
12 electronically or by way of electronic funds transfer, whichever first occurs.

13         2. If the electronic certificate of ownership is in the possession of the director of revenue,  
14 the lienholder shall notify the director within five business days after any release of a lien and  
15 provide the director with the most current address of the owner or any person who delivers to the  
16 lienholder an authorization from the owner to receive the certificate or such documentation. The  
17 director shall note such release on the electronic certificate and if no other lien exists the director  
18 shall mail or deliver the certificate free of any lien to the owner or any person who has delivered  
19 to the lienholder an authorization from the owner to receive the certificate or such documentation  
20 from the director.

21         3. If the purchase price of a motor vehicle or trailer did not exceed six thousand dollars  
22 at the time of purchase, a lien or encumbrance which was not perfected by a motor vehicle  
23 financing corporation whose net worth exceeds one hundred million dollars, or a depository  
24 institution, shall be considered satisfied within six years from the date the lien or encumbrance  
25 was originally perfected unless a new lien or encumbrance has been perfected as provided in  
26 section 301.600. This subsection does not apply to motor vehicles or trailers for which the  
27 certificate of ownership has recorded in the second lienholder portion the words "subject to  
28 future advances".

29         4. Any lienholder who fails to timely comply with subsection 1 or 2 of this section shall  
30 pay to the person or persons satisfying the lien or encumbrance liquidated damages up to a  
31 maximum of two thousand five hundred dollars for each lien. Liquidated damages shall be five  
32 hundred dollars if the lienholder does not comply within five business days after satisfaction of  
33 the lien or encumbrance. Liquidated damages shall be one thousand dollars if the lienholder does  
34 not comply within ten business days after satisfaction of the lien or encumbrance. Liquidated  
35 damages shall be two thousand dollars if the lienholder does not comply within fifteen business  
36 days after satisfaction of the lien or encumbrance. Liquidated damages shall be two thousand  
37 five hundred dollars if the lienholder does not comply within twenty business days after  
38 satisfaction of the lien or encumbrance. If delivery of the certificate or other lien release is made  
39 by mail, the delivery date is the date of the postmark for purposes of this subsection. In  
40 computing any period of time prescribed or allowed by this section, the day of the act or event  
41 after which the designated period of time begins to run is not to be counted. However, the last  
42 day of the period so computed is to be included, unless it is a Saturday, Sunday, or a legal

43 holiday, in which event the period runs until the end of the next day that is not a Saturday,  
44 Sunday, or legal holiday.

45 5. Any person who knowingly and intentionally sends in a separate document releasing  
46 a lien of another without authority to do so shall be guilty of a class [C] **D** felony.

302.015. Notwithstanding the provisions of the Commercial Motor Vehicle Safety Act  
2 of 1986 (Title XII of Pub. Law 99-570), the director shall have the authority to establish a  
3 license classification system, and shall not be limited to classification of the following:

4 (1) Any person, other than one subject to sections 302.700 to 302.780, who operates a  
5 motor vehicle in the transportation of persons or property, and who receives compensation for  
6 such services in wages, salary, commission or fare; or who as an owner or employee operates a  
7 motor vehicle carrying passengers or property for hire; or who regularly operates a commercial  
8 motor vehicle of another person in the course of or as an incident to his **or her** employment, but  
9 whose principal occupation is not the operating of such motor vehicle, except that a school bus  
10 operator who obtains a school bus permit as provided in section 302.272 shall not be considered  
11 in this class;

12 (2) Any person, other than such person defined in subdivision (1) of this section who is  
13 in actual physical control of a motor vehicle;

14 (3) Any person, other than such person defined in subdivisions (1) and (2) of this section  
15 who is in actual physical control of a motorcycle or motortricycle.

302.020. 1. Unless otherwise provided for by law, it shall be unlawful for any person,  
2 except those expressly exempted by section 302.080, to:

3 (1) Operate any vehicle upon any highway in this state unless the person has a valid  
4 license;

5 (2) Operate a motorcycle or motortricycle upon any highway of this state unless such  
6 person has a valid license that shows the person has successfully passed an examination for the  
7 operation of a motorcycle or motortricycle as prescribed by the director. The director may  
8 indicate such upon a valid license issued to such person, or shall issue a license restricting the  
9 applicant to the operation of a motorcycle or motortricycle if the actual demonstration, required  
10 by section 302.173, is conducted on such vehicle;

11 (3) Authorize or knowingly permit a motorcycle or motortricycle owned by such person  
12 or under such person's control to be driven upon any highway by any person whose license does  
13 not indicate that the person has passed the examination for the operation of a motorcycle or  
14 motortricycle or has been issued an instruction permit therefor;

15 (4) Operate a motor vehicle with an instruction permit or license issued to another  
16 person.

17 2. Every person operating or riding as a passenger on any motorcycle or motortricycle,  
18 as defined in section 301.010, upon any highway of this state shall wear protective headgear at



19 all times the vehicle is in motion. The protective headgear shall meet reasonable standards and  
20 specifications established by the director.

21 3. Notwithstanding the provisions of section 302.340 any person convicted of violating  
22 subdivision (1) or (2) of subsection 1 of this section is guilty of a misdemeanor. A first violation  
23 of subdivision (1) or (2) of subsection 1 of this section shall be punishable [by a fine not to  
24 exceed three hundred dollars] **as a class D misdemeanor**. A second violation of subdivision (1)  
25 or (2) of subsection 1 of this section shall be punishable [by imprisonment in the county jail for  
26 a term not to exceed one year and/or a fine not to exceed one thousand dollars] **as a class A**  
27 **misdemeanor**. Any person convicted a third or subsequent time of violating subdivision (1) or  
28 (2) of subsection 1 of this section is guilty of a class [D] **E felony**. Notwithstanding the  
29 provisions of section 302.340, violation of subdivisions (3) and (4) of subsection 1 of this section  
30 is a misdemeanor, the first violation punishable [by a fine not to exceed three hundred dollars]  
31 **as a class D misdemeanor**, a second or subsequent violation of this section punishable as a class  
32 C misdemeanor, and the penalty for failure to wear protective headgear as required by subsection  
33 2 of this section is an infraction for which a fine not to exceed twenty-five dollars may be  
34 imposed. Notwithstanding all other provisions of law and court rules to the contrary, no court  
35 costs shall be imposed upon any person due to such violation. No points shall be assessed  
36 pursuant to section 302.302 for a failure to wear such protective headgear. Prior pleas of guilty  
37 and prior findings of guilty shall be pleaded and proven in the same manner as required by  
38 section 558.021.

302.060. 1. The director shall not issue any license and shall immediately deny any  
2 driving privilege:

3 (1) To any person who is under the age of eighteen years, if such person operates a motor  
4 vehicle in the transportation of persons or property as classified in section 302.015;

5 (2) To any person who is under the age of sixteen years, except as hereinafter provided;

6 (3) To any person whose license has been suspended, during such suspension, or to any  
7 person whose license has been revoked, until the expiration of one year after such license was  
8 revoked;

9 (4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

10 (5) To any person who has previously been adjudged to be incapacitated and who at the  
11 time of application has not been restored to partial capacity;

12 (6) To any person who, when required by this law to take an examination, has failed to  
13 pass such examination;

14 (7) To any person who has an unsatisfied judgment against such person, as defined in  
15 chapter 303, until such judgment has been satisfied or the financial responsibility of such person,  
16 as [defined] **described** in section 303.120, has been established;

17 (8) To any person whose application shows that the person has been convicted within  
18 one year prior to such application of violating the laws of this state relating to failure to stop after

19 an accident and to disclose the person's identity or driving a motor vehicle without the owner's  
20 consent;

21 (9) To any person who has been convicted more than twice of violating state law, or a  
22 county or municipal ordinance where the defendant was represented by or waived the right to an  
23 attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten  
24 years from the date of conviction of the last offense of violating such law or ordinance relating  
25 to driving while intoxicated, a person who was so convicted may petition the circuit court of the  
26 county in which such last conviction was rendered and the court shall review the person's habits  
27 and conduct since such conviction. If the court finds that the petitioner has not been convicted  
28 of any offense related to alcohol, controlled substances or drugs during the preceding ten years  
29 and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the  
30 public safety of this state, the court may order the director to issue a license to the petitioner if  
31 the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540.  
32 No person may obtain a license pursuant to the provisions of this subdivision through court  
33 action more than one time;

34 (10) To any person who has been convicted twice within a five-year period of violating  
35 state law, or a county or municipal ordinance, of driving while intoxicated, or any other  
36 intoxication-related traffic offense as defined in [subdivision (4) of subsection 1 of section  
37 577.023] **section 577.001**, or who has been convicted of the [crime] **offense** of involuntary  
38 manslaughter while operating a motor vehicle in an intoxicated condition. The director shall not  
39 issue a license to such person for five years from the date such person was convicted or pled  
40 guilty for involuntary manslaughter while operating a motor vehicle in an intoxicated condition  
41 or for driving while intoxicated or any other intoxication-related traffic offense as defined in  
42 [subdivision (4) of subsection 1 of section 577.023] **section 577.001** for the second time;

43 (11) To any person who is otherwise disqualified pursuant to the provisions of sections  
44 302.010 to 302.780, chapter 303, or section 544.046;

45 (12) To any person who is under the age of eighteen years, if such person's parents or  
46 legal guardians file a certified document with the department of revenue stating that the director  
47 shall not issue such person a driver's license. Each document filed by the person's parents or  
48 legal guardians shall be made upon a form furnished by the director and shall include identifying  
49 information of the person for whom the parents or legal guardians are denying the driver's  
50 license. The document shall also contain identifying information of the person's parents or legal  
51 guardians. The document shall be certified by the parents or legal guardians to be true and  
52 correct. This provision shall not apply to any person who is legally emancipated. The parents  
53 or legal guardians may later file an additional document with the department of revenue which  
54 reinstates the person's ability to receive a driver's license.

55 2. Any person whose license is reinstated under the provisions of subdivisions (9) and  
56 (10) of subsection 1 of this section shall be required to file proof with the director of revenue that

57 any motor vehicle operated by the person is equipped with a functioning, certified ignition  
58 interlock device as a required condition of reinstatement. The ignition interlock device shall  
59 further be required to be maintained on all motor vehicles operated by the person for a period of  
60 not less than six months immediately following the date of reinstatement. If the person fails to  
61 maintain such proof with the director, the license shall be suspended for the remainder of the  
62 six-month period or until proof as required by this section is filed with the director. Upon the  
63 completion of the six-month period, the license shall be shown as reinstated, if the person is  
64 otherwise eligible.

302.321. 1. A person commits the [crime] **offense** of driving while revoked if such  
2 person operates a motor vehicle on a highway when such person's license or driving privilege  
3 has been cancelled, suspended, or revoked under the laws of this state or any other state and acts  
4 with criminal negligence with respect to knowledge of the fact that such person's driving  
5 privilege has been cancelled, suspended, or revoked.

6 2. Any person convicted of driving while revoked is guilty of a misdemeanor. A first  
7 violation of this section shall be punishable [by a fine not to exceed three hundred dollars] **as a**  
8 **class D misdemeanor**. A second or third violation of this section shall be punishable [by  
9 imprisonment in the county jail for a term not to exceed one year and/or a fine not to exceed one  
10 thousand dollars] **as a class A misdemeanor**. Any person with no prior alcohol-related  
11 enforcement contacts as defined in section 302.525, convicted a fourth or subsequent time of  
12 driving while revoked or a county or municipal ordinance of driving while suspended or revoked  
13 where the defendant was represented by or waived the right to an attorney in writing, and where  
14 the prior three driving-while-revoked offenses occurred within ten years of the date of occurrence  
15 of the present offense; and any person with a prior alcohol-related enforcement contact as  
16 defined in section 302.525, convicted a third or subsequent time of driving while revoked or a  
17 county or municipal ordinance of driving while suspended or revoked where the defendant was  
18 represented by or waived the right to an attorney in writing, and where the prior two  
19 driving-while-revoked offenses occurred within ten years of the date of occurrence of the present  
20 offense and where the person received and served a sentence of ten days or more on such  
21 previous offenses is guilty of a class [D] **E felony**. Except upon conviction as a first offense, no  
22 court shall suspend the imposition of sentence as to such a person nor sentence such person to  
23 pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or  
24 probation until such person has served a minimum of forty-eight consecutive hours of  
25 imprisonment, unless as a condition of such parole or probation, such person performs at least  
26 ten days involving at least forty hours of community service under the supervision of the court  
27 in those jurisdictions which have a recognized program for community service. Driving while  
28 revoked is a class [D] **E felony** on the second or subsequent conviction pursuant to section  
29 577.010 or a fourth or subsequent conviction for any other offense. Prior pleas of guilty and

30 prior findings of guilty shall be pleaded and proven in the same manner as required by section  
31 558.021.

[577.500.] **302.400.** 1. A court of competent jurisdiction shall, upon a [plea of guilty,  
2 conviction or] finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the  
3 offense was committed by a juvenile, enter an order suspending or revoking the driving  
4 privileges of any person determined to have committed one of the following offenses and who,  
5 at the time said offense was committed, was under twenty-one years of age :

6 (1) Any alcohol-related traffic offense in violation of state law or a county or[, beginning  
7 July 1, 1992,] municipal ordinance, where the defendant was represented by, or waived **in**  
8 **writing** the right to, an attorney [in writing];

9 (2) Any offense in violation of state law or[, beginning July 1, 1992,] a county or  
10 municipal ordinance, where the defendant was represented by, or waived **in writing** the right to,  
11 an attorney [in writing], involving the possession or use of alcohol, committed while operating  
12 a motor vehicle;

13 (3) Any offense involving the possession or use of a controlled substance as defined in  
14 chapter 195 in violation of [the] state law or[, beginning July 1, 1992,] a county or municipal  
15 ordinance, where the defendant was represented by, or waived **in writing** the right to, an attorney  
16 [in writing];

17 (4) Any offense involving the alteration, modification, or misrepresentation of a license  
18 to operate a motor vehicle in violation of section 311.328;

19 (5) Any **subsequent** offense in violation of state law or[, beginning July 1, 1992,] a  
20 county or municipal ordinance, where the defendant was represented by, or waived **in writing**  
21 the right to, an attorney [in writing], involving the possession or use of alcohol [for a second  
22 time]; except that a determination of guilt or its equivalent shall have been made for the first  
23 offense and both offenses shall have been committed by the person when the person was under  
24 eighteen years of age.

25 2. A court of competent jurisdiction shall, upon a [plea of guilty or nolo contendere,  
26 conviction or] finding of guilt, or, if the court is a juvenile court, upon a finding of fact that the  
27 offense was committed by a juvenile, enter an order suspending or revoking the driving  
28 privileges of any person determined to have committed a [crime or] violation of section 311.325  
29 and who, at the time said [crime or] violation was committed, was more than fifteen years of age  
30 and under twenty-one years of age.

31 3. The court shall require the **person against whom a court has entered an order**  
32 **suspending or revoking driving privileges under subsections 1 and 2 of this section to**  
33 **surrender [to it of] any license to operate a motor vehicle, temporary instruction permit,**  
34 **intermediate driver's license, or any other driving privilege then held by [any] such person**  
35 **[against whom a court has entered an order suspending or revoking driving privileges under**  
36 **subsections 1 and 2 of this section].**

37           4. The court, if other than a juvenile court, shall forward to the director of revenue the  
38 order of suspension or revocation of driving privileges and any licenses, temporary instruction  
39 permits, intermediate driver's licenses, or any other driving privilege acquired under subsection  
40 3 of this section.

41           5. (1) **Notwithstanding chapter 211 to the contrary**, the court, if a juvenile court, shall  
42 forward to the director of revenue the order of suspension or revocation of driving privileges and  
43 any licenses, temporary instruction permits, intermediate driver's licenses, or any other driving  
44 privilege acquired under subsection 3 of this section for any person sixteen years of age or older[,  
45 the provision of chapter 211 to the contrary notwithstanding].

46           (2) **Notwithstanding chapter 211 to the contrary**, the court, if a juvenile court, shall  
47 hold the order of suspension or revocation of driving privileges for any person less than sixteen  
48 years of age until thirty days before the person's sixteenth birthday, at which time the juvenile  
49 court shall forward to the director of revenue the order of suspension or revocation of driving  
50 privileges[, the provision of chapter 211 to the contrary notwithstanding].

51           6. The period of suspension for a first offense under subsection 1 of this section shall be  
52 ninety days. Any second or subsequent offense under subsection 1 of this section shall result in  
53 revocation of the offender's driving privileges for one year. The period of suspension for a first  
54 offense under subsection 2 of this section shall be thirty days. The period of suspension for a  
55 second offense under subsection 2 of this section shall be ninety days. Any third or subsequent  
56 offense under subsection 2 of this section shall result in revocation of the offender's driving  
57 privileges for one year.

          [577.505.] **302.405.** A court of competent jurisdiction shall enter an order revoking the  
2 driving privileges of any person determined to have violated any state, county, or municipal law  
3 involving the possession or use of a controlled substance, as defined in chapter 195, while  
4 operating a motor vehicle and who, at the time said offense was committed, was twenty-one  
5 years of age or older [when the person pleads guilty, or is convicted or found guilty of such  
6 offense by the court]. The court shall require the **person to** surrender to [it of] **the court** all  
7 operator's and chauffeur's licenses then held by such person. The court shall forward to the  
8 director of revenue the order of revocation of driving privileges and any licenses surrendered.

          [577.510.] **302.410.** 1. Upon receipt of a court order suspending or revoking the driving  
2 privileges of a person [pursuant to sections 577.500 and 577.505] **under sections 302.400 and**  
3 **302.505**, the director of revenue shall suspend the driving privileges for ninety days or revoke  
4 the driving privileges of such person for a period of one year, provided however, that in the case  
5 of a person who at the time of the offense was less than sixteen years of age, the period of  
6 suspension or revocation shall commence on that person's sixteenth birthday. The provisions of  
7 **this chapter [302]** to the contrary notwithstanding, the suspension or revocation shall be imposed  
8 without further hearing. Any person whose driving privileges have been suspended or revoked  
9 [pursuant to sections 577.500 and 577.505] **under sections 302.400 and 302.505** may petition

10 the circuit court for a hardship driving privilege and said application shall be determined and  
11 administered in the same manner as allowed in section 302.309.

12 2. The director of revenue shall permit the issuance of a temporary instruction permit in  
13 the same manner as allowed in subsection [2] **3** of section 302.130 to persons fifteen years of age  
14 and under seventeen years of age denied driving privileges by court order pursuant to section  
15 [577.500] **302.400**. This exception only applies to instruction permits that entitle a person to  
16 operate a motor vehicle on the highways in the presence of an authorized instructor.

[577.515.] **302.415**. If a person shall neglect or refuse to surrender all operator's and  
2 chauffeur's licenses, as provided for in sections [577.500 and 577.505] **302.400 and 302.505**,  
3 the director shall direct the state highway patrol or any peace or police officer to secure  
4 possession thereof and return such license or licenses to the director.

[577.520.] **302.420**. 1. No person who has had his license suspended or revoked under  
2 the provisions of sections [577.500 and 577.505] **302.400 and 302.505** shall have that license  
3 reinstated until he **or she** has paid a twenty-dollar reinstatement fee and has successfully  
4 completed a substance abuse traffic offender program as defined in section [577.001] **302.010**.

5 2. The fees for the substance abuse traffic offender program, or a portion thereof to be  
6 determined by the division of alcohol and drug abuse of the department of mental health, shall  
7 be paid by the person enrolled in the program. Any person who is enrolled in the program shall  
8 pay, in addition to any fee charged for the program, a supplemental fee to be determined by the  
9 department of mental health for the purposes of funding the substance abuse traffic offender  
10 program defined in section 302.010 [and section 577.001], or a program determined to be  
11 comparable by the department of mental health. The administrator of the program shall remit  
12 to the division of alcohol and drug abuse of the department of mental health on or before the  
13 fifteenth of each month the supplemental fees for all persons enrolled in the program, less two  
14 percent for administrative costs. Interest shall be charged on any unpaid balance of the  
15 supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall  
16 accrue at a rate not to exceed the annual rates established pursuant to the provisions of section  
17 32.065 plus three percentage points. The supplemental fees and any interest received by the  
18 department of mental health pursuant to this section shall be deposited in the mental health  
19 earnings fund which is created in section 630.053.

20 3. Any administrator who fails to remit to the division of alcohol and drug abuse of the  
21 department of mental health the supplemental fees and interest for all persons enrolled in the  
22 program pursuant to this section shall be subject to a penalty equal to the amount of interest  
23 accrued on the supplemental fees due the division pursuant to this section. If the supplemental  
24 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the  
25 department of mental health within six months of the due date, the attorney general of the state  
26 of Missouri shall initiate appropriate action [of the collection of] **to collect** said fees and **any**

27 **accrued** interest [accrued]. The court shall assess attorney fees and court costs against any  
28 delinquent program.

[577.525.] **302.425.** Any court which has jurisdiction over violations of state, county or  
2 municipal laws shall enter an order, in addition to other orders authorized by law, requiring the  
3 completion of a substance abuse traffic offender program as defined in section [577.001]  
4 **302.010**, as a part of the judgment entered in the case, for any person determined to have violated  
5 a state, county, or municipal law involving the possession or use of alcohol and who at the time  
6 of said offense was under twenty-one years of age when the court, if a juvenile court, finds that  
7 the offense was committed by such person or, if a city, county, or state court, when the person  
8 pleads guilty, or is found guilty of such offense by the court.

[577.530.] **302.426.** The director of revenue shall have authority to make such rules and  
2 regulations as he deems necessary for the administration of sections [577.500 to 577.525. No  
3 rule or portion of a rule promulgated under the authority of sections 577.500 to 577.530 shall  
4 become effective unless it has been promulgated pursuant to the provisions of section 536.024]  
5 **302.400 to 302.425. Any rule or portion of a rule, as that term is defined in section 536.010,**  
6 **that is created under the authority delegated in this section shall become effective only if**  
7 **it complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
8 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
9 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
10 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
11 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2012,**  
12 **shall be invalid and void.**

**302.440.** In addition to any other provisions of law, a court may require that any  
2 **person who is found guilty of a first intoxication-related traffic offense, as defined in**  
3 **section 577.001, and a court shall require that any person who is found guilty of or pleads**  
4 **guilty to a second or subsequent intoxication-related traffic offense, as defined in section**  
5 **577.001, shall not operate any motor vehicle unless that vehicle is equipped with a**  
6 **functioning, certified ignition interlock device for a period of not less than six months from**  
7 **the date of reinstatement of the person's driver's license. In addition, any court authorized**  
8 **to grant a limited driving privilege under section 302.309 to any person who is found guilty**  
9 **of a second or subsequent intoxication-related traffic offense shall require the use of an**  
10 **ignition interlock device on all vehicles operated by the person as a required condition of**  
11 **the limited driving privilege. These requirements shall be in addition to any other**  
12 **provisions of this chapter or chapter 577 requiring installation and maintenance of an**  
13 **ignition interlock device. Any person required to use an ignition interlock device shall**  
14 **comply with such requirement subject to the penalties provided by section 577.599.**

2 [577.602.] **302.442.** 1. If a court imposes a fine and requires the use of an ignition  
3 interlock device for the same offense, the amount of the fine may be reduced by the cost of the  
4 ignition interlock device.

5 2. If the court requires the use of an ignition interlock device, it shall order the  
6 installation of the device on any vehicle which the offender operates during the period of  
7 probation or limited driving privilege.

8 3. If the court imposes the use of an ignition interlock device on a person having full or  
9 limited driving privileges, the court shall require the person to provide proof of compliance with  
10 the order to the court or the probation officer within thirty days of this court's order or sooner,  
11 as required by the court, in addition to any proof required to be filed with the director of revenue  
12 under the provisions of this chapter or chapter 302. If the person fails to provide proof of  
13 installation within that period, absent a finding by the court of good cause for that failure which  
14 is entered in the court record, the court shall revoke or terminate the person's probation or limited  
15 driving privilege.

16 4. Nothing in sections [577.600 to 577.614] **302.440 to 302.462** shall be construed to  
17 authorize a person to operate a motor vehicle whose driving privileges have been suspended or  
18 revoked, unless the person has obtained a limited driving privilege or restricted driving privilege  
19 under other provisions of law.

20 5. The person whose driving privilege is restricted pursuant to section [577.600] **302.440**  
21 shall report to the court or the probation officer at least once annually, or more frequently as the  
22 court may order, on the operation of each ignition interlock device in the person's vehicle or  
23 vehicles. Such person shall be responsible for the cost and maintenance of the ignition interlock  
24 device. If such device is broken, destroyed or stolen, such person shall also be liable for the cost  
25 of replacement of the device.

26 6. The court may require a person whose driving privilege is restricted under section  
27 [577.600] **302.440** to report to any officer appointed by the court in lieu of a probation officer.

28 7. The court shall require periodic calibration checks that are needed for the proper  
operation of the ignition interlock device.

[577.604.] **302.454.** The court shall require the use of a certified ignition interlock device  
2 during the period of probation if the person is permitted to operate a motor vehicle, whether the  
3 privilege to operate a motor vehicle is restricted or not, as determined by the court.

[577.606.] **302.456.** The court shall send the order to the department of revenue in all  
2 cases where the driving privilege of a person is restricted pursuant to section [577.600] **302.440**.  
3 The order shall contain the requirement for, and the period of, the use of a certified ignition  
4 interlock device under sections [577.600 to 577.614] **302.440 to 302.462**. The records of the  
5 department of revenue shall contain a record reflecting mandatory use of the device.



[577.608.] **302.458.** 1. The department of public safety shall certify or cause to be certified ignition interlock devices required by sections [577.600 to 577.614] **302.440 to 302.462** and publish a list of approved devices.

2. The department of public safety shall adopt guidelines for the proper use of the ignition interlock devices in full compliance with sections [577.600 to 577.614] **sections 302.440 to 302.462.**

3. The department of public safety shall use information from an independent agency to certify ignition interlock devices on or off the premises of the manufacturer in accordance with the guidelines. The cost of certification shall be borne by the manufacturers of interlock ignition devices. In certifying the devices, those which do not impede the safe operation of the vehicle and which have the fewest opportunities to be bypassed so as to render the provisions of sections [577.600 to 577.614] **302.440 to 302.462** ineffective shall be certified.

4. No model of ignition interlock device shall be certified unless it meets the accuracy requirements specified by the guidelines of the department of public safety.

5. Before certifying any device, the department of public safety shall consult with the National Highway Traffic Safety Administration regarding the use of ignition interlock devices.

[577.610.] **302.460.** The manufacturer shall affix to each ignition interlock device a label which shall contain a warning that any person tampering, circumventing or otherwise misusing the device is guilty of a class A misdemeanor.

[577.614.] **302.462.** 1. In addition to any other provisions of law, upon a finding of [guilty of, or a plea of guilty to,] **guilt to** a violation of [subsection 1 of section 577.600] **577.599**, the department of revenue shall revoke the person's driving privilege for one year from the date of conviction.

2. In addition to any other provision of law, if a person is found guilty of, or pleads guilty to, a second violation of [subsection 1 of section 577.600] **section 577.599** during the same period of required use of an approved ignition interlock device, the department of revenue shall revoke the person's driving privilege for five years from the date of conviction.

3. The court shall notify the department of revenue of all guilty findings and pleas [pursuant to subsection 1 of section 577.600] **under section 577.599.**

4. The department of revenue shall charge a reinstatement fee as required by section 302.304 prior to the reinstatement of any driving privilege suspended or revoked pursuant to this section.

5. No restricted or limited driving privilege shall be issued for any person whose license is revoked pursuant to this section.

302.500. As used in sections 302.500 to 302.540, the following terms mean:

(1) "Alcohol concentration", the amount of alcohol in a person's blood at the time of the act alleged as shown by chemical analysis of the person's blood, breath, saliva or urine;

(2) "Department", the department of revenue of the state of Missouri;

5 (3) "Director", the director of the department of revenue or his **or her** authorized  
6 representative;

7 (4) "Driver's license" or "license", a license, permit, or privilege to drive a motor vehicle  
8 issued under or granted by the laws of this state. The term includes any temporary license or  
9 instruction permit, any nonresident operating privilege, and the privilege of any person to drive  
10 a motor vehicle whether or not the person holds a valid license;

11 (5) "Revocation", the termination by formal action of the department of a person's  
12 license. A revoked license is not subject to renewal or restoration except that an application for  
13 a new license may be presented and acted upon by the department after the expiration of the  
14 revocation period;

15 (6) "State", a state, territory, or possession of the United States, the District of Columbia,  
16 the Commonwealth of Puerto Rico, and any province of Canada;

17 (7) "Suspension", the temporary withdrawal by formal action of the department of a  
18 person's license. The suspension shall be for a period specifically designated by the department  
19 pursuant to the provisions of sections 302.500 to 302.540.

**302.574. 1. If a person who was operating a vehicle refuses upon the request of the  
2 officer to submit to any chemical test under section 577.041, the officer shall, on behalf of  
3 the director of revenue, serve the notice of license revocation personally upon the person  
4 and shall take possession of any license to operate a vehicle issued by this state which is  
5 held by that person. The officer shall issue a temporary permit, on behalf of the director  
6 of revenue, which is valid for fifteen days and shall also give the person notice of his or her  
7 right to file a petition for review to contest the license revocation.**

8 **2. Such officer shall make a certified report under penalties of perjury for making  
9 a false statement to a public official. The report shall be forwarded to the director of  
10 revenue and shall include the following:**

11 **(1) That the officer has:**

12 **(a) Reasonable grounds to believe that the arrested person was driving a motor  
13 vehicle while in an intoxicated condition; or**

14 **(b) Reasonable grounds to believe that the person stopped, being under the age of  
15 twenty-one years, was driving a motor vehicle with a blood alcohol content of  
16 two-hundredths of one percent or more by weight; or**

17 **(c) Reasonable grounds to believe that the person stopped, being under the age of  
18 twenty-one years, was committing a violation of the traffic laws of the state, or political  
19 subdivision of the state, and such officer has reasonable grounds to believe, after making  
20 such stop, that the person had a blood alcohol content of two-hundredths of one percent  
21 or greater;**

22 **(2) That the person refused to submit to a chemical test;**

23 **(3) Whether the officer secured the license to operate a motor vehicle of the person;**

24           (4) Whether the officer issued a fifteen-day temporary permit;

25           (5) Copies of the notice of revocation, the fifteen-day temporary permit, and the  
26 notice of the right to file a petition for review. The notices and permit may be combined  
27 in one document; and

28           (6) Any license, which the officer has taken into possession, to operate a motor  
29 vehicle.

30           3. Upon receipt of the officer's report, the director shall revoke the license of the  
31 person refusing to take the test for a period of one year; or if the person is a nonresident,  
32 such person's operating permit or privilege shall be revoked for one year; or if the person  
33 is a resident without a license or permit to operate a motor vehicle in this state, an order  
34 shall be issued denying the person the issuance of a license or permit for a period of one  
35 year.

36           4. If a person's license has been revoked because of the person's refusal to submit  
37 to a chemical test, such person may petition for a hearing before a circuit division or  
38 associate division of the court in the county in which the arrest or stop occurred. The  
39 person may request such court to issue an order staying the revocation until such time as  
40 the petition for review can be heard. If the court, in its discretion, grants such stay, it shall  
41 enter the order upon a form prescribed by the director of revenue and shall send a copy  
42 of such order to the director. Such order shall serve as proof of the privilege to operate a  
43 motor vehicle in this state and the director shall maintain possession of the person's license  
44 to operate a motor vehicle until termination of any revocation pursuant to this section.  
45 Upon the person's request, the clerk of the court shall notify the prosecuting attorney of  
46 the county and the prosecutor shall appear at the hearing on behalf of the director of  
47 revenue. At the hearing, the court shall determine only:

48           (1) Whether the person was arrested or stopped;

49           (2) Whether the officer had:

50           (a) Reasonable grounds to believe that the person was driving a motor vehicle while  
51 in an intoxicated or drugged condition; or

52           (b) Reasonable grounds to believe that the person stopped, being under the age of  
53 twenty-one years, was driving a motor vehicle with a blood alcohol content of  
54 two-hundredths of one percent or more by weight; or

55           (c) Reasonable grounds to believe that the person stopped, being under the age of  
56 twenty-one years, was committing a violation of the traffic laws of the state, or political  
57 subdivision of the state, and such officer had reasonable grounds to believe, after making  
58 such stop, that the person had a blood alcohol content of two-hundredths of one percent  
59 or greater; and

60           (3) Whether the person refused to submit to the test.

61           **5. If the court determines any issue not to be in the affirmative, the court shall**  
62 **order the director to reinstate the license or permit to drive.**

63           **6. Requests for review as provided in this section shall go to the head of the docket**  
64 **of the court wherein filed.**

65           **7. No person who has had a license to operate a motor vehicle suspended or revoked**  
66 **pursuant to the provisions of this section shall have that license reinstated until such**  
67 **person has participated in and successfully completed a substance abuse traffic offender**  
68 **program defined in section 302.010, or a program determined to be comparable by the**  
69 **department of mental health or the court. Assignment recommendations, based upon the**  
70 **needs assessment as described in subdivision (23) of section 302.010, shall be delivered in**  
71 **writing to the person with written notice that the person is entitled to have such assignment**  
72 **recommendations reviewed by the court if the person objects to the recommendations. The**  
73 **person may file a motion in the associate division of the circuit court of the county in which**  
74 **such assignment was given, on a printed form provided by the state courts administrator,**  
75 **to have the court hear and determine such motion pursuant to the provisions of chapter**  
76 **517. The motion shall name the person or entity making the needs assessment as the**  
77 **respondent and a copy of the motion shall be served upon the respondent in any manner**  
78 **allowed by law. Upon hearing the motion, the court may modify or waive any assignment**  
79 **recommendation that the court determines to be unwarranted based upon a review of the**  
80 **needs assessment, the person's driving record, the circumstances surrounding the offense,**  
81 **and the likelihood of the person committing a similar offense in the future, except that the**  
82 **court may modify but may not waive the assignment of a person determined to be a prior**  
83 **or persistent offender as defined in section 577.001, or of a person determined to have**  
84 **operated a motor vehicle with a blood alcohol content of fifteen-hundredths of one percent**  
85 **or more by weight. Compliance with the court determination of the motion shall satisfy**  
86 **the provisions of this section for the purpose of reinstating such person's license to operate**  
87 **a motor vehicle. The respondent's personal appearance at any hearing conducted**  
88 **pursuant to this subsection shall not be necessary unless directed by the court.**

89           **8. The fees for the substance abuse traffic offender program, or a portion thereof,**  
90 **to be determined by the division of alcohol and drug abuse of the department of mental**  
91 **health, shall be paid by the person enrolled in the program. Any person who is enrolled**  
92 **in the program shall pay, in addition to any fee charged for the program, a supplemental**  
93 **fee to be determined by the department of mental health for the purposes of funding the**  
94 **substance abuse traffic offender program defined in section 302.010. The administrator**  
95 **of the program shall remit to the division of alcohol and drug abuse of the department of**  
96 **mental health on or before the fifteenth day of each month the supplemental fee for all**  
97 **persons enrolled in the program, less two percent for administrative costs. Interest shall**  
98 **be charged on any unpaid balance of the supplemental fees due to the division of alcohol**

99 and drug abuse pursuant to this section, and shall accrue at a rate not to exceed the annual  
100 rates established pursuant to the provisions of section 32.065, plus three percentage points.  
101 The supplemental fees and any interest received by the department of mental health  
102 pursuant to this section shall be deposited in the mental health earnings fund, which is  
103 created in section 630.053.

104 9. Any administrator who fails to remit to the division of alcohol and drug abuse  
105 of the department of mental health the supplemental fees and interest for all persons  
106 enrolled in the program pursuant to this section shall be subject to a penalty equal to the  
107 amount of interest accrued on the supplemental fees due to the division pursuant to this  
108 section. If the supplemental fees, interest, and penalties are not remitted to the division of  
109 alcohol and drug abuse of the department of mental health within six months of the due  
110 date, the attorney general of the state of Missouri shall initiate appropriate action for the  
111 collection of said fees and accrued interest. The court shall assess attorneys' fees and court  
112 costs against any delinquent program.

113 10. Any person who has had a license to operate a motor vehicle revoked more than  
114 once for violation of the provisions of this section shall be required to file proof with the  
115 director of revenue that any motor vehicle operated by the person is equipped with a  
116 functioning, certified ignition interlock device as a required condition of license  
117 reinstatement. Such ignition interlock device shall further be required to be maintained  
118 on all motor vehicles operated by the person for a period of not less than six months  
119 immediately following the date of reinstatement. If the person fails to maintain such proof  
120 with the director as required by this section, the license shall be rerevoked.

121 11. The revocation period of any person whose license and driving privilege has  
122 been revoked under this section and who has filed proof of financial responsibility with the  
123 department of revenue in accordance with chapter 303 and is otherwise eligible, shall be  
124 terminated by a notice from the director of revenue after one year from the effective date  
125 of the revocation. Unless proof of financial responsibility is filed with the department of  
126 revenue, the revocation shall remain in effect for a period of two years from its effective  
127 date. If the person fails to maintain proof of financial responsibility in accordance with  
128 chapter 303, the person's license and driving privilege shall be rerevoked.

129 12. A person commits the offense of failure to maintain proof with the Missouri  
130 department of revenue if, when required to do so, he or she fails to file proof with the  
131 director of revenue that any vehicle operated by the person is equipped with a functioning,  
132 certified ignition interlock device or fails to file proof of financial responsibility with the  
133 department of revenue in accordance with chapter 303. The offense of failure to maintain  
134 of proof with the Missouri department of revenue is a class A misdemeanor.

[577.049.] 302.580. 1. [Upon a plea of guilty or a finding of guilty for an offense of  
2 violating the provisions of section 577.010 or 577.012 or violations of county or municipal

3 ordinances involving alcohol- or drug-related traffic offenses, the court shall order the person to  
4 participate in and successfully complete a substance abuse traffic offender program defined in  
5 section 577.001.

6         2. The] Fees for the substance abuse traffic offender program, or a portion thereof, to be  
7 determined by the division of alcohol and drug abuse of the department of mental health, shall  
8 be paid by the person enrolling in the program. Any person who is enrolled in the program shall  
9 pay, in addition to any fee charged for the program, a supplemental fee to be determined by the  
10 department of mental health for the purposes of funding the substance abuse traffic offender  
11 program defined in section 302.010 [and section 577.001]. The administrator of the program  
12 shall remit to the division of alcohol and drug abuse of the department of mental health on or  
13 before the fifteenth day of each month the supplemental fees for all persons enrolled in the  
14 program, less two percent for administrative costs. Interest shall be charged on any unpaid  
15 balance of the supplemental fees due **to** the division of alcohol and drug abuse pursuant to this  
16 section and shall accrue at a rate not to exceed the annual rates established pursuant to the  
17 provisions of section 32.065, plus three percentage points. The supplemental fees and any  
18 interest received by the department of mental health pursuant to this section shall be deposited  
19 in the mental health earnings fund, which is created in section 630.053.

20         [3.] 2. Any administrator who fails to remit to the division of alcohol and drug abuse of  
21 the department of mental health the supplemental fees and interest for all persons enrolled in the  
22 program pursuant to this section shall be subject to a penalty equal to the amount of interest  
23 accrued on the supplemental fees due **to** the division pursuant to this section. If the supplemental  
24 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the  
25 department of mental health within six months of the due date, the attorney general of the state  
26 of Missouri shall initiate appropriate action of the collection of said fees and **accrued** interest  
27 [accrued]. The court shall assess attorney fees and court costs against any delinquent program.

       [577.052.] **302.584.** Any rule or portion of a rule promulgated pursuant to this act shall  
2 become effective only as provided pursuant to chapter 536 including, but not limited to, section  
3 536.028, if applicable, after August 28, 1997. All rulemaking authority delegated prior to August  
4 28, 1997, is of no force and effect and repealed. The provisions of this section are nonseverable  
5 and if any of the powers vested with the general assembly pursuant to section 536.028, if  
6 applicable, to review, to delay the effective date, or to disapprove and annul a rule or portion of  
7 a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any  
8 rule so proposed and contained in the order of rulemaking shall be invalid and void.

       [577.051.] **302.592.** 1. A record of the disposition in any court proceeding involving [a  
2 violation of any of the provisions of sections 577.005 to 577.023, or violation of county or  
3 municipal ordinances involving alcohol- or drug-related driving offenses] **any criminal offense,**  
4 **infraction, or ordinance violation related to the operation of a vehicle while intoxicated or**  
5 **with an excessive blood alcohol content** shall be forwarded to the department of revenue,

6 within seven days by the clerk of the court in which the proceeding was held. The records shall  
7 be forwarded by the department of revenue, within fifteen days of receipt, to the Missouri state  
8 highway patrol and shall be entered by the highway patrol in the Missouri uniform law  
9 enforcement system records. Dispositions that shall be reported are **guilty** pleas [of guilty],  
10 findings of [guilty] **guilt**, suspended imposition of sentence, suspended execution of sentence,  
11 probation, conditional sentences, sentences of confinement, and any other such dispositions that  
12 may be required under state or federal regulations. The record forwarded by the clerk shall  
13 clearly [show] **state the name of** the court, the court case number, the name, address, and motor  
14 vehicle operator's or chauffeur's license number of the person who is the subject of the  
15 proceeding, the code or number identifying the particular arrest, and any court action or  
16 requirements pertaining thereto.

17 2. All records received by the Missouri state highway patrol or the department of revenue  
18 under the provisions of this section shall be entered in the Missouri uniform law enforcement  
19 system records and maintained by the Missouri state highway patrol. Records placed in the  
20 Missouri uniform law enforcement system under the provisions of this section shall be made  
21 available to any law enforcement officer in this state, any prosecuting or circuit attorney in this  
22 state, or to any judge of a municipal or state court upon request.

23 3. [Any] A person **commits the offense of refusal to furnish records of disposition**  
24 **if he or she is** required [by this section] to furnish records to the Missouri state highway patrol  
25 or department of revenue [who willfully] **under this section and purposely** refuses to furnish  
26 such records [is guilty of] . **The offense of refusal to furnish records of disposition is a class**  
27 **[C] D misdemeanor.**

28 [4. Records required to be filed with the Missouri state highway patrol or the department  
29 of revenue under the provisions of sections 302.225 and 577.001 to 577.051 shall be filed  
30 beginning July 1, 1983, and no penalties for nonfiling of records shall be applied prior to July 1,  
31 1983.

32 5. Forms and procedures for filing of records with the Missouri state highway patrol or  
33 department of revenue as required in this chapter shall be promulgated by the director of the  
34 department of public safety or department of revenue, as applicable, and approved by the  
35 Missouri supreme court.

36 6. All record-keeping procedures required under the provisions of sections 577.005 to  
37 577.023 shall be in accordance with this section, chapter 610 to the contrary notwithstanding.]

302.605. 1. As used in the compact contained in section 302.600, the term "executive  
2 head" shall mean the governor of this state.

3 2. As used in the compact contained in section 302.600, the term "licensing authority"  
4 shall mean the department of revenue of this state. The director of revenue shall furnish to the  
5 appropriate authorities of any other party state any information or documents reasonably

6 necessary to facilitate the administration of Articles III, IV and V of the compact contained in  
7 section 302.600.

8         3. The director of the department of revenue, as compact administrator provided for in  
9 Article VII of the compact contained in section 302.600, shall not be entitled to any additional  
10 compensation on account of his **or her** service as such administrator. However, he **or she** shall  
11 be entitled to expenses incurred in connection with his **or her** duties and responsibilities as such  
12 administrator, in the same manner as for expenses incurred in connection with any other duties  
13 or responsibilities of his office or employment.

14         4. Any court or other agency of this state, or any subdivision thereof, which has  
15 jurisdiction to take any action suspending, revoking or otherwise limiting a license to drive or  
16 operate a motor vehicle, shall report any such action and the adjudication upon which it is based  
17 to the director of the department of revenue in the manner and within the time prescribed by the  
18 director of the department by rule.

19         5. Article IV of the compact contained in section 302.600 shall apply to those offenses  
20 for which a license to drive or operate a motor vehicle may be suspended or revoked under the  
21 laws of this state, and any suspension or revocation therefor shall be governed by the provisions  
22 of law applicable to such suspension or revocation.

       302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial  
2 Driver's License Act".

3         2. When used in sections 302.700 to 302.780, the following words and phrases mean:

4         (1) "Alcohol", any substance containing any form of alcohol, including, but not limited  
5 to, ethanol, methanol, propanol and isopropanol;

6         (2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters  
7 of blood or the number of grams of alcohol per two hundred ten liters of breath or the number  
8 of grams of alcohol per sixty-seven milliliters of urine;

9         (3) "Commercial driver's instruction permit", a permit issued pursuant to section  
10 302.720;

11         (4) "Commercial driver's license", a license issued by this state to an individual which  
12 authorizes the individual to operate a commercial motor vehicle;

13         (5) "Commercial driver's license information system", the information system established  
14 pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570)  
15 to serve as a clearinghouse for locating information related to the licensing and identification of  
16 commercial motor vehicle drivers;

17         (6) "Commercial motor vehicle", a motor vehicle designed or used to transport  
18 passengers or property:

19         (a) If the vehicle has a gross combination weight rating of twenty-six thousand one or  
20 more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand  
21 one pounds or more;



- 22 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more  
23 pounds or such lesser rating as determined by federal regulation;
- 24 (c) If the vehicle is designed to transport sixteen or more passengers, including the  
25 driver; or
- 26 (d) If the vehicle is transporting hazardous materials and is required to be placarded  
27 under the Hazardous Materials Transportation Act (46 U.S.C. 1801, et seq.);
- 28 (7) "Controlled substance", any substance so classified under Section 102(6) of the  
29 Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules  
30 I through V of 21 CFR part 1308, as they may be revised from time to time;
- 31 (8) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and nolo  
32 contendere, or a determination that a person has violated or failed to comply with the law in a  
33 court of original jurisdiction or an authorized administrative proceeding, an unvacated forfeiture  
34 of bail or collateral deposited to secure the person's appearance in court, the payment of a fine  
35 or court cost, or violation of a condition of release without bail, regardless of whether the penalty  
36 is rebated, suspended or prorated, including an offense for failure to appear or pay;
- 37 (9) "Director", the director of revenue or his **or her** authorized representative;
- 38 (10) "Disqualification", any of the following three actions:
- 39 (a) The suspension, revocation, or cancellation of a commercial driver's license;
- 40 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a  
41 state as the result of a violation of federal, state, county, municipal, or local law relating to motor  
42 vehicle traffic control or violations committed through the operation of motor vehicles, other  
43 than parking, vehicle weight, or vehicle defect violations;
- 44 (c) A determination by the Federal Motor Carrier Safety Administration that a person  
45 is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;
- 46 (11) "Drive", to drive, operate or be in physical control of a commercial motor vehicle;
- 47 (12) "Driver", any person who drives, operates, or is in physical control of a motor  
48 vehicle, or who is required to hold a commercial driver's license;
- 49 (13) "Driving under the influence of alcohol", the commission of any one or more of the  
50 following acts:
- 51 (a) Driving a commercial motor vehicle with the alcohol concentration of four  
52 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol  
53 concentration as may be later determined by the secretary by regulation;
- 54 (b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation  
55 of any federal or state law, or in violation of a county or municipal ordinance;
- 56 (c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol  
57 content in violation of any federal or state law, or in violation of a county or municipal  
58 ordinance;

59 (d) Refusing to submit to a chemical test in violation of section 577.041, section  
60 302.750, any federal or state law, or a county or municipal ordinance; or

61 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined  
62 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to  
63 section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years  
64 of age or older shall have been committed by the person with an alcohol concentration of at least  
65 eight-hundredths of one percent or more, or in the case of an individual who is less than  
66 twenty-one years of age, shall have been committed by the person with an alcohol concentration  
67 of at least two-hundredths of one percent or more, and if committed in a commercial motor  
68 vehicle, a concentration of four-hundredths of one percent or more;

69 (14) "Driving under the influence of a controlled substance", the commission of any one  
70 or more of the following acts in a commercial or noncommercial motor vehicle:

71 (a) Driving a commercial or noncommercial motor vehicle while under the influence of  
72 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.  
73 802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they  
74 may be revised from time to time;

75 (b) Driving a commercial or noncommercial motor vehicle while in a drugged condition  
76 in violation of any federal or state law or in violation of a county or municipal ordinance; or

77 (c) Refusing to submit to a chemical test in violation of section 577.041, section  
78 302.750, any federal or state law, or a county or municipal ordinance;

79 (15) "Employer", any person, including the United States, a state, or a political  
80 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to  
81 operate such a vehicle;

82 (16) "Farm vehicle", a commercial motor vehicle controlled and operated by a farmer  
83 used exclusively for the transportation of agricultural products, farm machinery, farm supplies,  
84 or a combination of these, within one hundred fifty miles of the farm, other than one which  
85 requires placarding for hazardous materials as defined in this section, or used in the operation  
86 of a common or contract motor carrier, except that a farm vehicle shall not be a commercial  
87 motor vehicle when the total combined gross weight rating does not exceed twenty-six thousand  
88 one pounds when transporting fertilizers as defined in subdivision (21) of this subsection;

89 (17) "Fatality", the death of a person as a result of a motor vehicle accident;

90 (18) "Felony", any offense under state or federal law that is punishable by death or  
91 imprisonment for a term exceeding one year;

92 (19) "Gross combination weight rating" or "GCWR", the value specified by the  
93 manufacturer as the loaded weight of a combination (articulated) vehicle. In the absence of a  
94 value specified by the manufacturer, GCWR will be determined by adding the GVWR of the  
95 power unit and the total weight of the towed unit and any load thereon;

96 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the manufacturer  
97 as the loaded weight of a single vehicle;

98 (21) "Hazardous materials", any material that has been designated as hazardous under  
99 49 U.S.C. 5103 and is required to be placarded under subpart F of CFR Part 172 or any quantity  
100 of a material listed as a select agent or toxin in 42 CFR Part 73. Fertilizers, including but not  
101 limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash, motor fuel  
102 or special fuel, shall not be considered hazardous materials when transported by a farm vehicle  
103 provided all other provisions of this definition are followed;

104 (22) "Imminent hazard", the existence of a condition that presents a substantial  
105 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to  
106 health, property, or the environment may occur before the reasonably foreseeable completion  
107 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or  
108 endangerment;

109 (23) "Issuance", the initial licensure, license transfers, license renewals, and license  
110 upgrades;

111 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks;

112 (25) "Noncommercial motor vehicle", a motor vehicle or combination of motor vehicles  
113 not defined by the term "commercial motor vehicle" in this section;

114 (26) "Out of service", a temporary prohibition against the operation of a commercial  
115 motor vehicle by a particular driver, or the operation of a particular commercial motor vehicle,  
116 or the operation of a particular motor carrier;

117 (27) "Out-of-service order", a declaration by the Federal Highway Administration, or any  
118 authorized enforcement officer of a federal, state, Commonwealth of Puerto Rico, Canadian,  
119 Mexican or any local jurisdiction, that a driver, or a commercial motor vehicle, or a motor carrier  
120 operation, is out of service;

121 (28) "School bus", a commercial motor vehicle used to transport preprimary, primary,  
122 or secondary school students from home to school, from school to home, or to and from  
123 school-sponsored events. School bus does not include a bus used as a common carrier as defined  
124 by the Secretary;

125 (29) "Secretary", the Secretary of Transportation of the United States;

126 (30) "Serious traffic violation", driving a commercial motor vehicle in such a manner  
127 that the driver receives a conviction for the following offenses or driving a noncommercial motor  
128 vehicle when the driver receives a conviction for the following offenses and the conviction  
129 results in the suspension or revocation of the driver's license or noncommercial motor vehicle  
130 driving privilege:

131 (a) Excessive speeding, as defined by the Secretary by regulation;

132 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to,  
133 any violation of section 304.016, any violation of section 304.010, or any other violation of

134 federal or state law, or any county or municipal ordinance while driving a commercial motor  
135 vehicle in a willful or wanton disregard for the safety of persons or property, or improper or  
136 erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include  
137 careless and imprudent driving by excessive speed;

138 (c) A violation of any federal or state law or county or municipal ordinance regulating  
139 the operation of motor vehicles arising out of an accident or collision which resulted in death to  
140 any person, other than a parking violation;

141 (d) Driving a commercial motor vehicle without obtaining a commercial driver's license  
142 in violation of any federal or state or county or municipal ordinance;

143 (e) Driving a commercial motor vehicle without a commercial driver's license in the  
144 driver's possession in violation of any federal or state or county or municipal ordinance. Any  
145 individual who provides proof to the court which has jurisdiction over the issued citation that the  
146 individual held a valid commercial driver's license on the date that the citation was issued shall  
147 not be guilty of this offense;

148 (f) Driving a commercial motor vehicle without the proper commercial driver's license  
149 class or endorsement for the specific vehicle group being operated or for the passengers or type  
150 of cargo being transported in violation of any federal or state law or county or municipal  
151 ordinance; or

152 (g) Any other violation of a federal or state law or county or municipal ordinance  
153 regulating the operation of motor vehicles, other than a parking violation, as prescribed by the  
154 secretary by regulation;

155 (31) "State", a state, territory or possession of the United States, the District of  
156 Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada;

157 (32) "United States", the fifty states and the District of Columbia.

302.705. 1. No person who drives a commercial motor vehicle shall have more than one  
2 driver's license.

3 2. No person is eligible for a commercial driver's license who is under eighteen years of  
4 age, except any person transporting a hazardous material must be at least twenty-one years of  
5 age.

6 3. Any driver of a commercial motor vehicle holding a commercial driver's license  
7 issued by this state, and who is convicted of violating any state law or county or municipal  
8 ordinance regulating the operation of motor vehicles in any other state, other than parking  
9 violations, shall notify the director in writing on a form prescribed by the director within thirty  
10 days of the date of conviction. Upon notification of such conviction the director may apply the  
11 conviction information to the driver's record. If such conviction would result in disqualification  
12 of the license under sections 302.700 to 302.780, the director shall disqualify the license in  
13 accordance with sections 302.700 to 302.780.

14           4. Any driver of a commercial motor vehicle holding a commercial driver's license  
15 issued by this state, and who is convicted of violating any state law or county or municipal  
16 ordinance regulating the operation of motor vehicles in this or any other state, other than parking  
17 violations, shall notify his **or her** employer in writing of the conviction within thirty days of the  
18 date of conviction.

          302.710. A driver whose commercial driver's license is suspended, revoked, or canceled  
2 by any state, or who loses the privilege to drive a commercial motor vehicle in any state for any  
3 period, including being disqualified from driving a commercial motor vehicle, or who is subject  
4 to an out of service order, shall notify his **or her** employer of that fact before the end of the  
5 business day following the day the driver received notice of that fact.

          302.727. 1. A person commits the [crime] **offense** of driving a commercial motor  
2 vehicle while revoked if such person operates a commercial motor vehicle when, as a result of  
3 prior violations committed operating a commercial motor vehicle, the driver's commercial driver  
4 license is revoked, suspended, or canceled, or the driver is disqualified from operating a  
5 commercial motor vehicle.

          2. Any person convicted of driving a commercial motor vehicle while revoked is guilty  
7 of a class A misdemeanor. Any person with no prior alcohol-related enforcement contacts as  
8 defined in section 302.525, convicted a fourth or subsequent time of driving a commercial motor  
9 vehicle while revoked or a county or municipal ordinance of driving a commercial motor vehicle  
10 while suspended or revoked where the judge in such case was an attorney and the defendant was  
11 represented by or waived the right to an attorney in writing, and where the prior three driving a  
12 commercial motor vehicle while revoked offenses occurred within ten years of the date of  
13 occurrence of the present offense and where the person received and served a sentence of ten  
14 days or more on such previous offenses; and any person with a prior alcohol-related enforcement  
15 contact as defined in section 302.525, convicted a third or subsequent time of driving a  
16 commercial motor vehicle while revoked or a county or municipal ordinance of driving a  
17 commercial motor vehicle while suspended or revoked where the judge in such case was an  
18 attorney and the defendant was represented by or waived the right to an attorney in writing, and  
19 where the prior two driving a commercial motor vehicle while revoked offenses occurred within  
20 ten years of the date of occurrence of the present offense and where the person received and  
21 served a sentence of ten days or more on such previous offenses is guilty of a class [D] **E** felony.  
22 No court shall suspend the imposition of sentence as to such a person nor sentence such person  
23 to pay a fine in lieu of a term of imprisonment, nor shall such person be eligible for parole or  
24 probation until he or she has served a minimum of forty-eight consecutive hours of  
25 imprisonment, unless as a condition of such parole or probation, such person performs at least  
26 ten days involving at least forty hours of community service under the supervision of the court  
27 in those jurisdictions which have a recognized program for community service. Driving a  
28 commercial motor vehicle while revoked is a class [D] **E** felony on the second or subsequent

29 conviction pursuant to section 577.010 or a fourth or subsequent conviction for any other  
30 offense.

302.745. 1. All chemical tests required herein for the enforcement of sections 302.700  
2 to 302.780 shall be conducted using the same procedures, methods, waivers of liability, persons  
3 and facilities as those described in chapter 577 except as provided in sections 302.700 to  
4 302.780. Nothing contained in chapter 577 shall be construed to require a person to be placed  
5 under arrest prior to his **or her** being requested to submit to a chemical test under this section.

6 2. A person who drives a commercial motor vehicle within this state is deemed to have  
7 given consent, subject to the provisions of this section, to a chemical test or tests of his **or her**  
8 breath, blood, saliva or urine for the purpose of determining his alcohol concentration, or the  
9 presence of controlled substances in his **or her** system.

10 3. A test or tests may be administered for the purposes of enforcing sections 302.700 to  
11 302.780, at the direction of a law enforcement officer, who has reason to believe that the driver  
12 was driving a commercial motor vehicle while having any amount of alcohol or controlled  
13 substances in his **or her** system.

14 4. The implied consent to submit to the chemical tests listed in subsection 2 of this  
15 section shall be limited to not more than two such tests arising from the same arrest, stop,  
16 incident, or charge.

17 5. Upon the request of a person who is tested, full information concerning the test shall  
18 be made available to him **or her**.

19 6. Upon the trial of any person for violation of this section or upon the trial of any  
20 criminal action or violations of county or municipal ordinances arising out of acts alleged to have  
21 been committed by any person while driving a commercial motor vehicle under the influence of  
22 alcohol or controlled substances, the amount of alcohol or controlled substance in the person's  
23 blood at the time of the act alleged as shown by chemical analysis of the person's blood, breath,  
24 saliva or urine is admissible in evidence and the provisions of subdivision (5) of section 491.060  
25 shall not prevent the admissibility or introduction of such evidence, if otherwise admissible.  
26 Nothing contained in this section shall be construed as limiting the introduction of any other  
27 competent evidence bearing upon the question whether the person was operating a commercial  
28 motor vehicle while under the influence of alcohol or controlled substances.

302.750. 1. If a person refuses, upon the request of a law enforcement officer pursuant  
2 to section 302.745, to submit to any test allowed under that section, evidence of the refusal shall  
3 be admissible in any proceeding to determine whether a person was operating a commercial  
4 motor vehicle while under the influence of alcohol or controlled substances. In this event, the  
5 officer shall make a sworn report to the director that he **or she** requested a test pursuant to  
6 section 302.745 and that the person refused to submit to such testing.

7 2. A person requested to submit to a test as provided by section 302.745 shall be warned  
8 by the law enforcement officer requesting the test that a refusal to submit to the test will result

9 in that person being immediately placed out of service for a period of twenty-four hours and  
10 being disqualified from operating a commercial motor vehicle for a period of not less than one  
11 year if for a first refusal to submit to the test and for life if for a second or subsequent refusal to  
12 submit to the test. The director may issue rules and regulations, in accordance with guidelines  
13 established by the secretary, under which a disqualification for life under this section may be  
14 reduced to a period of not less than ten years.

15 3. Upon receipt of the sworn report of a law enforcement officer submitted under  
16 subsection 1 of this section, the director shall disqualify the driver from operating a commercial  
17 motor vehicle.

18 4. If a person has been disqualified from operating a commercial motor vehicle because  
19 of his refusal to submit to a chemical test, he **or she** may request a hearing before a court of  
20 record in the county in which the request was made. Upon his **or her** request, the clerk of the  
21 court shall notify the prosecuting attorney of the county and the prosecutor shall appear at the  
22 hearing on behalf of the officer. At the hearing the judge shall determine only:

23 (1) Whether or not the law enforcement officer had reasonable grounds to believe that  
24 the person was driving a commercial motor vehicle with any amount of alcohol in his **or her**  
25 system;

26 (2) Whether or not the person refused to submit to the test.

27 5. If the judge determines any issues not to be in the affirmative, he **or she** shall order  
28 the director to reinstate the privilege to operate a commercial motor vehicle.

29 6. Requests for review as herein provided shall go to the head of the docket of the court  
30 wherein filed.

302.755. 1. A person is disqualified from driving a commercial motor vehicle for a  
2 period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled substance, or  
4 of an alcohol-related enforcement contact as defined in subsection 3 of section 302.525;

5 (2) Driving a commercial motor vehicle which causes a fatality through the negligent  
6 operation of the commercial motor vehicle, including but not limited to the **[crimes] offenses** of  
7 vehicular manslaughter, homicide by motor vehicle, and negligent homicide;

8 (3) Driving a commercial motor vehicle while revoked pursuant to section 302.727;

9 (4) Leaving the scene of an accident involving a commercial or noncommercial motor  
10 vehicle operated by the person;

11 (5) Using a commercial or noncommercial motor vehicle in the commission of any  
12 felony, as defined in section 302.700, except a felony as provided in subsection 4 of this section.

13 2. If any of the violations described in subsection 1 of this section occur while  
14 transporting a hazardous material the person is disqualified for a period of not less than three  
15 years.

16           3. Any person is disqualified from operating a commercial motor vehicle for life if  
17 convicted of two or more violations of any of the offenses specified in subsection 1 of this  
18 section, or any combination of those offenses, arising from two or more separate incidents. The  
19 director may issue rules and regulations, in accordance with guidelines established by the  
20 secretary, under which a disqualification for life under this section may be reduced to a period  
21 of not less than ten years.

22           4. Any person is disqualified from driving a commercial motor vehicle for life who uses  
23 a commercial or noncommercial motor vehicle in the commission of any felony involving the  
24 manufacture, distribution, or dispensing of a controlled substance, or possession with intent to  
25 manufacture, distribute, or dispense a controlled substance.

26           5. Any person is disqualified from operating a commercial motor vehicle for a period  
27 of not less than sixty days if convicted of two serious traffic violations or one hundred twenty  
28 days if convicted of three serious traffic violations, arising from separate incidents occurring  
29 within a three-year period.

30           6. Any person found to be operating a commercial motor vehicle while having any  
31 measurable alcohol concentration shall immediately be issued a continuous twenty-four-hour  
32 out-of-service order by a law enforcement officer in this state.

33           7. Any person who is convicted of operating a commercial motor vehicle beginning at  
34 the time of issuance of the out-of-service order until its expiration is guilty of a class A  
35 misdemeanor.

36           8. Any person convicted for the first time of driving while out of service shall be  
37 disqualified from driving a commercial motor vehicle in the manner prescribed in 49 CFR Part  
38 383, or as amended by the Secretary.

39           9. Any person convicted of driving while out of service on a second occasion during any  
40 ten-year period, involving separate incidents, shall be disqualified in the manner prescribed in  
41 49 CFR Part 383, or as amended by the Secretary.

42           10. Any person convicted of driving while out of service on a third or subsequent  
43 occasion during any ten-year period, involving separate incidents, shall be disqualified for a  
44 period of three years.

45           11. Any person convicted of a first violation of an out-of-service order while transporting  
46 hazardous materials or while operating a motor vehicle designed to transport sixteen or more  
47 passengers, including the driver, is disqualified for a period of one hundred eighty days.

48           12. Any person convicted of any subsequent violation of an out-of-service order in a  
49 separate incident within ten years after a previous violation, while transporting hazardous  
50 materials or while operating a motor vehicle designed to transport fifteen passengers, including  
51 the driver, is disqualified for a period of three years.

52           13. Any person convicted of any other offense as specified by regulations promulgated  
53 by the Secretary of Transportation shall be disqualified in accordance with such regulations.



54           14. After suspending, revoking, canceling or disqualifying a driver, the director shall  
55 update records to reflect such action and notify a nonresident's licensing authority and the  
56 commercial driver's license information system within ten days in the manner prescribed in 49  
57 CFR Part 384, or as amended by the Secretary.

58           15. Any person disqualified from operating a commercial motor vehicle pursuant to  
59 subsection 1, 2, 3, or 4 of this section shall have such commercial driver's license canceled, and  
60 upon conclusion of the period of disqualification shall take the written and driving tests and meet  
61 all other requirements of sections 302.700 to 302.780. Such disqualification and cancellation  
62 shall not be withdrawn by the director until such person reapplies for a commercial driver's  
63 license in this or any other state after meeting all requirements of sections 302.700 to 302.780.

64           16. The director shall disqualify a driver upon receipt of notification that the Secretary  
65 has determined a driver to be an imminent hazard pursuant to 49 CFR, Part 383.52. Due process  
66 of a disqualification determined by the Secretary pursuant to this section shall be held in  
67 accordance with regulations promulgated by the Secretary. The period of disqualification  
68 determined by the Secretary pursuant to this section shall be served concurrently to any other  
69 period of disqualification which may be imposed by the director pursuant to this section. Both  
70 disqualifications shall appear on the driving record of the driver.

71           17. The director shall disqualify a commercial license holder or operator of a commercial  
72 vehicle from operation of any commercial motor vehicle upon receipt of a conviction for an  
73 offense of failure to appear or pay, and such disqualification shall remain in effect until the  
74 director receives notice that the person has complied with the requirement to appear or pay.

302.780. 1. It shall be unlawful for a person to:

2           (1) Drive a commercial motor vehicle in a willful or wanton disregard for the safety of  
3 persons or property; **or**

4           (2) [Drive a commercial motor vehicle while having an alcohol concentration of four  
5 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol  
6 concentration as may be later determined by the secretary by regulation; or

7           (3)] Drive a commercial motor vehicle while under the influence of any substance so  
8 classified under section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), including  
9 any substance listed in schedules I through V of 21 CFR part 1308, as they may be revised from  
10 time to time.

11           2. Except as otherwise provided for in sections 302.700 to 302.780, whenever the doing  
12 of anything is required or is prohibited or is declared to be unlawful, any person who shall be  
13 convicted of a violation thereof shall be guilty of a class B misdemeanor.

303.024. 1. Each insurer issuing motor vehicle liability policies in this state, or an agent  
2 of the insurer, shall furnish an insurance identification card to the named insured for each motor  
3 vehicle insured by a motor vehicle liability policy that complies with the requirements of sections  
4 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330 and 303.370.

5           2. The insurance identification card shall include all of the following information:

6           (1) The name and address of the insurer;

7           (2) The name of the named insured;

8           (3) The policy number;

9           (4) The effective dates of the policy, including month, day and year;

10          (5) A description of the insured motor vehicle, including year and make or at least five  
11 digits of the vehicle identification number or the word Fleet if the insurance policy covers five  
12 or more motor vehicles; and

13          (6) The statement "THIS CARD MUST BE CARRIED IN THE INSURED MOTOR  
14 VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the card.

15          3. A new insurance identification card shall be issued when the insured motor vehicle  
16 is changed, when an additional motor vehicle is insured, and when a new policy number is  
17 assigned. A replacement insurance identification card shall be issued at the request of the  
18 insured in the event of loss of the original insurance identification card.

19          4. The director shall furnish each self-insurer, as provided for in section 303.220, an  
20 insurance identification card for each motor vehicle so insured. The insurance identification card  
21 shall include all of the following information:

22          (1) Name of the self-insurer;

23          (2) The word self-insured; and

24          (3) The statement "THIS CARD MUST BE CARRIED IN THE SELF-INSURED  
25 MOTOR VEHICLE FOR PRODUCTION UPON DEMAND" prominently displayed on the  
26 card.

27          5. An insurance identification card shall be carried in the insured motor vehicle at all  
28 times. The operator of an insured motor vehicle shall exhibit the insurance identification card  
29 on the demand of any peace officer, commercial vehicle enforcement officer or commercial  
30 vehicle inspector who lawfully stops such operator or investigates an accident while that officer  
31 or inspector is engaged in the performance of the officer's or inspector's duties. If the operator  
32 fails to exhibit an insurance identification card, the officer or inspector shall issue a citation to  
33 the operator for a violation of section 303.025. A motor vehicle liability insurance policy, a  
34 motor vehicle liability insurance binder, or receipt which contains the policy information  
35 required in subsection 2 of this section, shall be satisfactory evidence of insurance in lieu of an  
36 insurance identification card.

37          6. Any person who knowingly or intentionally produces, manufactures, sells, or  
38 otherwise distributes a fraudulent document intended to serve as an insurance identification card  
39 is guilty of a class [D] E felony. Any person who knowingly or intentionally possesses a  
40 fraudulent document intended to serve as an insurance identification card is guilty of a class B  
41 misdemeanor.

303.025. 1. No owner of a motor vehicle registered in this state, or required to be registered in this state, shall operate, register or maintain registration of a motor vehicle, or permit another person to operate such vehicle, unless the owner maintains the financial responsibility which conforms to the requirements of the laws of this state. No nonresident shall operate or permit another person to operate in this state a motor vehicle registered to such nonresident unless the nonresident maintains the financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence. Furthermore, no person shall operate a motor vehicle owned by another with the knowledge that the owner has not maintained financial responsibility unless such person has financial responsibility which covers the person's operation of the other's vehicle; however, no owner or nonresident shall be in violation of this subsection if he or she fails to maintain financial responsibility on a motor vehicle which is inoperable or being stored and not in operation. The director may prescribe rules and regulations for the implementation of this section.

2. A motor vehicle owner shall maintain the owner's financial responsibility in a manner provided for in section 303.160, or with a motor vehicle liability policy which conforms to the requirements of the laws of this state. A nonresident motor vehicle owner shall maintain the owner's financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence.

3. Any person who violates this section is guilty of a misdemeanor. A first violation of this section shall be punishable [by a fine not to exceed three hundred dollars] **as a class D misdemeanor**. A second or subsequent violation of this section shall be punishable by imprisonment in the county jail for a term not to exceed fifteen days and/or a fine not to exceed [three] **five** hundred dollars. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in the same manner as required by section 558.021. However, no person shall be found guilty of violating this section if the operator demonstrates to the court that he or she met the financial responsibility requirements of this section at the time the peace officer, commercial vehicle enforcement officer or commercial vehicle inspector wrote the citation. In addition to any other authorized punishment, the court shall notify the director of revenue of any person convicted pursuant to this section and shall do one of the following:

(1) Enter an order suspending the driving privilege as of the date of the court order. If the court orders the suspension of the driving privilege, the court shall require the defendant to surrender to it any driver's license then held by such person. The length of the suspension shall be as prescribed in subsection 2 of section 303.042. The court shall forward to the director of revenue the order of suspension of driving privilege and any license surrendered within ten days;

(2) Forward the record of the conviction for an assessment of four points;

(3) In lieu of an assessment of points, render an order of supervision as provided in section 302.303. An order of supervision shall not be used in lieu of points more than one time in any thirty-six-month period. Every court having jurisdiction pursuant to the provisions of this

39 section shall forward a record of conviction to the Missouri state highway patrol, or at the written  
40 direction of the Missouri state highway patrol, to the department of revenue, in a manner  
41 approved by the director of the department of public safety. The director shall establish  
42 procedures for the record keeping and administration of this section; or

43 (4) For a nonresident, suspend the nonresident's driving privileges in this state in  
44 accordance with section 303.030 and notify the official in charge of the issuance of licenses and  
45 registration certificates in the state in which such nonresident resides in accordance with section  
46 303.080.

47 4. Nothing in sections 303.010 to 303.050, 303.060, 303.140, 303.220, 303.290, 303.330  
48 and 303.370 shall be construed as prohibiting the department of insurance, financial institutions  
49 and professional registration from approving or authorizing those exclusions and limitations  
50 which are contained in automobile liability insurance policies and the uninsured motorist  
51 provisions of automobile liability insurance policies.

52 5. If a court enters an order of suspension, the offender may appeal such order directly  
53 pursuant to chapter 512 and the provisions of section 302.311 shall not apply.

304.070. 1. Any person who violates any of the provisions of subsections 1, 3, and 6 of  
2 section 304.050 is guilty of a class A misdemeanor. In addition, [beginning July 1, 2005,] the  
3 court may suspend the driver's license of any person who violates the provision of subsection 1  
4 of section 304.050. If ordered by the court, the director shall suspend the driver's license for  
5 ninety days for a first offense of subsection 1 of section 304.050, and one hundred twenty days  
6 for a second or subsequent offense of subsection 1 of section 304.050. Any person who violates  
7 subsection 1 of section 304.050 where such violation results in the injury of any child shall be  
8 guilty of a class [D] E felony. Any person who violates subsection 1 of section 304.050 where  
9 such violation causes the death of any child shall be guilty of a class [C] D felony.

10 2. Any appeal of a suspension imposed under subsection 1 of this section shall be a  
11 direct appeal of the court order and subject to review by the presiding judge of the circuit court  
12 or another judge within the circuit other than the judge who issued the original order to suspend  
13 the driver's license. The director of revenue's entry of the court-ordered suspension on the  
14 driving record is not a decision subject to review pursuant to section 302.311. Any suspension  
15 of the driver's license ordered by the court under this section shall be in addition to any other  
16 suspension that may occur as a result of the conviction pursuant to other provisions of law.

[577.217.] **305.125.** If a person refuses upon the request of the officer to submit to a  
2 chemical test **under section 577.041**, then no test shall be given. Any refusal to submit to a test  
3 shall be an infraction which may be punished by a fine of up to one thousand dollars. The officer  
4 shall inform the person that his or her failure to submit to the test may result in a fine and  
5 administrative penalties by the Federal Aviation Administration.

[577.221.] **305.126.** [All positive test results and test refusals] **Whenever a person**  
2 **operating an aircraft or acting as a flight crew member of any aircraft has a positive**

3 **chemical test under chapter 577 or refuses a chemical test pursuant to section 577.041, the**  
4 **test result and refusal** shall be reported by law enforcement agencies to the Federal Aviation  
5 Administration. If a person pleads guilty to or is found guilty of a violation of sections [577.201  
6 and 577.203] **577.015 and 577.016**, a report of the conviction shall be forwarded by the court  
7 in which the conviction occurred to the Federal Aviation Administration.

306.110. 1. No person shall [operate any motorboat or watercraft, or] manipulate any  
2 water skis, surfboard or other waterborne device in a reckless or negligent manner so as to  
3 endanger the life or property of any person.

4 2. No person shall [operate any motorboat or watercraft, or] manipulate any water skis,  
5 surfboard or other waterborne device while intoxicated or under the influence of any narcotic  
6 drug, barbiturate or marijuana.

306.111. [1.] A person commits the crime of negligent operation of a vessel if when  
2 operating a vessel he or she acts with criminal negligence, as defined in subsection 5 of section  
3 562.016, to cause physical injury to any other person or damage to the property of any other  
4 person. A person convicted of negligent operation of a vessel is guilty of a class B misdemeanor  
5 upon conviction for the first violation, guilty of a class A misdemeanor upon conviction for the  
6 second violation, and guilty of a class [D] E felony for conviction for the third and subsequent  
7 violations.

8 [2. A person commits the crime of operating a vessel while intoxicated if he or she  
9 operates a vessel on the Mississippi River, Missouri River or the lakes of this state while in an  
10 intoxicated condition. Operating a vessel while intoxicated is a class B misdemeanor.

11 3. A person commits the crime of involuntary manslaughter with a vessel if, while in an  
12 intoxicated condition, he or she operates any vessel and, when so operating, acts with criminal  
13 negligence to cause the death of any person. Involuntary manslaughter with a vessel is a class  
14 C felony.

15 4. A person commits the crime of assault with a vessel in the second degree if, while in  
16 an intoxicated condition, he or she operates any vessel and, when so operating, acts with criminal  
17 negligence to cause physical injury to any other person. Assault with a vessel in the second  
18 degree is a class D felony.

19 5. For purposes of this section, a person is in an intoxicated condition when he or she  
20 is under the influence of alcohol, a controlled substance or drug, or any combination thereof.]

306.420. 1. Upon the satisfaction of a lien or encumbrance on an outboard motor,  
2 motorboat, vessel, or watercraft, the lienholder shall within ten days execute a release of his or  
3 her lien or encumbrance, on the certificate or separate document, and mail or deliver the  
4 certificate or separate document to the owner or any person who delivers to the lienholder an  
5 authorization from the owner to receive the documentation. The release on the certificate or  
6 separate document shall be notarized. Each perfected subordinate lienholder, if any, shall release  
7 such lien or encumbrance as provided in this section for the first lienholder. The owner may

8 cause the certificate of title, the release, and the required fee to be mailed or delivered to the  
9 director of revenue, who shall release the lienholder's rights on the certificate and issue a new  
10 certificate of title.

11 2. If the electronic certificate of title is in the possession of the director of revenue, the  
12 lienholder shall notify the director within ten business days of any release of lien and provide the  
13 director with the most current address of the owner. The director shall note such release on the  
14 electronic certificate and if no other lien exists, the director shall mail or deliver the certificate  
15 free of any lien to the owner.

16 3. Any person who knowingly and intentionally sends in a separate document releasing  
17 a lien of another without authority to do so shall be guilty of a class [C] **D** felony.

**311.315. 1. A person commits the offense of manufacturing a false identification  
2 if he or she possesses any means of identification for the purpose of manufacturing and  
3 providing or selling a false identification card to a person under the age of twenty-one for  
4 the purpose of purchasing or obtaining alcohol.**

5 **2. The offense of manufacturing a false identification is a class A misdemeanor.**

311.325. 1. Any person under the age of twenty-one years, who purchases or attempts  
2 to purchase, or has in his or her possession, any intoxicating liquor as defined in section 311.020  
3 or who is visibly in an intoxicated condition as defined in section 577.001, or has a detectable  
4 blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol  
5 in such person's blood is guilty of a misdemeanor. A first violation of this section shall be  
6 punishable [by a fine not to exceed three hundred dollars] **as a class D misdemeanor**. A second  
7 or subsequent violation of this section shall be punishable [by imprisonment in the county jail  
8 for a term not to exceed one year and/or a fine not to exceed one thousand dollars] **as a class A  
9 misdemeanor**. Prior pleas of guilty and prior findings of guilty shall be pleaded and proven in  
10 the same manner as required by section 558.021. For purposes of prosecution under this section  
11 or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating  
12 liquor to a person under twenty-one years of age, a manufacturer-sealed container describing that  
13 there is intoxicating liquor therein need not be opened or the contents therein tested to verify that  
14 there is intoxicating liquor in such container. The alleged violator may allege that there was not  
15 intoxicating liquor in such container, but the burden of proof of such allegation is on such  
16 person, as it shall be presumed that such a sealed container describing that there is intoxicating  
17 liquor therein contains intoxicating liquor.

18 2. For purposes of determining violations of any provision of this chapter, or of any rule  
19 or regulation of the supervisor of alcohol and tobacco control, a manufacturer-sealed container  
20 describing that there is intoxicating liquor therein need not be opened or the contents therein  
21 tested to verify that there is intoxicating liquor in such container. The alleged violator may allege  
22 that there was not intoxicating liquor in such container, but the burden of proof of such allegation

23 is on such person, as it shall be presumed that such a sealed container describing that there is  
24 intoxicating liquor therein contains intoxicating liquor.

25         3. Any person under the age of twenty-one years who purchases or attempts to purchase,  
26 or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated  
27 condition as defined in section 577.001, shall be deemed to have given consent to a chemical test  
28 or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol  
29 or drug content of the person's blood. The implied consent to submit to the chemical tests listed  
30 in this subsection shall be limited to not more than two such tests arising from the same arrest,  
31 incident, or charge. Chemical analysis of the person's breath, blood, saliva, or urine shall be  
32 performed according to methods approved by the state department of health and senior services  
33 by licensed medical personnel or by a person possessing a valid permit issued by the state  
34 department of health and senior services for this purpose. The state department of health and  
35 senior services shall approve satisfactory techniques, devices, equipment, or methods to be  
36 considered valid and shall establish standards to ascertain the qualifications and competence of  
37 individuals to conduct analyses and to issue permits which shall be subject to termination or  
38 revocation by the state department of health and senior services. The person tested may have a  
39 physician, or a qualified technician, chemist, registered nurse, or other qualified person at the  
40 choosing and expense of the person to be tested, administer a test in addition to any administered  
41 at the direction of a law enforcement officer. The failure or inability to obtain an additional test  
42 by a person shall not preclude the admission of evidence relating to the test taken at the direction  
43 of a law enforcement officer. Upon the request of the person who is tested, full information  
44 concerning the test shall be made available to such person. Full information is limited to the  
45 following:

- 46         (1) The type of test administered and the procedures followed;
- 47         (2) The time of the collection of the blood or breath sample or urine analyzed;
- 48         (3) The numerical results of the test indicating the alcohol content of the blood and  
49 breath and urine;
- 50         (4) The type and status of any permit which was held by the person who performed the  
51 test;
- 52         (5) If the test was administered by means of a breath-testing instrument, the date of  
53 performance of the most recent required maintenance of such instrument. Full information does  
54 not include manuals, schematics, or software of the instrument used to test the person or any  
55 other material that is not in the actual possession of the state. Additionally, full information does  
56 not include information in the possession of the manufacturer of the test instrument.

57         4. The provisions of this section shall not apply to a student who:

- 58         (1) Is eighteen years of age or older;
- 59         (2) Is enrolled in an accredited college or university and is a student in a culinary course;

60 (3) Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other  
61 similar malt or fermented beverage as part of the required curriculum; and

62 (4) Tastes a beverage under subdivision (3) of this subsection only for instructional  
63 purposes during classes that are part of the curriculum of the accredited college or university.  
64 The beverage must at all times remain in the possession and control of an authorized instructor  
65 of the college or university, who must be twenty-one years of age or older. Nothing in this  
66 subsection may be construed to allow a student under the age of twenty-one to receive any beer,  
67 ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered  
68 as part of the student's required curriculum and the beverage is used only for instructional  
69 purposes during classes conducted as part of the curriculum.

313.004. 1. There is hereby created the "Missouri Gaming Commission" consisting of  
2 five members appointed by the governor, with the advice and consent of the senate. Each  
3 member of the Missouri gaming commission shall be a resident of this state. No member shall  
4 have pled guilty to or shall have been convicted of a felony or gambling-related offense. Not  
5 more than three members shall be affiliated with the same political party. No member of the  
6 commission shall be an elected official. The overall membership of the commission shall reflect  
7 experience in law enforcement, civil and criminal investigation and financial principles.

8 2. The initial members of the commission shall be appointed within thirty days of  
9 April 29, 1993. Of the members first appointed, one shall be appointed for a one-year term, two  
10 shall be appointed for a two-year term and two shall be appointed for a three-year term.  
11 Thereafter, all members appointed shall serve for a three-year term. No person shall serve as a  
12 member more than six years. The governor shall designate one of the members as the chair. The  
13 governor may remove any member of the commission from office for malfeasance or neglect of  
14 duty in office. The governor may also replace any member of the commission, with the advice  
15 and consent of the senate, when any responsibility concerning the state lottery, pari-mutuel  
16 wagering or any other form of gaming is placed under the jurisdiction of the commission.

17 3. The commission shall meet at least quarterly in accordance with its rules. In addition,  
18 special meetings may be called by the chair or any two members of the commission upon  
19 twenty-four-hour written notice to each member. No action of the commission shall be binding  
20 unless taken at a meeting at which at least three of the five members are present and shall vote  
21 in favor thereof.

22 4. The commission shall perform all duties and have all the powers and responsibilities  
23 conferred and imposed upon it relating to excursion gambling boats and, after June 30, 1994, the  
24 lawful operation of the game of bingo under this chapter. Within the commission, there shall be  
25 established a division of gambling and after June 30, 1994, the division of bingo. Subject to  
26 appropriations, the commission may hire an executive director and any employees as it may  
27 deem necessary to carry out the commission's duties. The commission shall have authority to  
28 require investigations of any employee or applicant for employment as deemed necessary and



29 use such information or any other information in the determination of employment. The  
30 commission shall promulgate rules and regulations establishing a code of ethics for its employees  
31 which shall include, but not be limited to, restrictions on which employees shall be prohibited  
32 from participating in or wagering on any game or gaming operation subject to the jurisdiction  
33 of the commission. The commission shall determine if any other employees of the commission  
34 or any licensee of the commission shall participate or wager in any operation under the  
35 jurisdiction of the commission.

36 5. On April 29, 1993, all the authority, powers, duties, functions, records, personnel,  
37 property, matters pending and all other pertinent vestiges of the state tourism commission  
38 relating to the regulation of excursion gambling boats and, after June 30, 1994, of the department  
39 of revenue relating to the regulation of the game of bingo shall be transferred to the Missouri  
40 gaming commission.

41 6. The commission shall be assigned to the department of public safety as a type III  
42 division, but the director of the department of public safety has no supervision, authority or  
43 control over the actions or decisions of the commission.

44 7. Members of the Missouri gaming commission shall receive as compensation, the  
45 amount of one hundred dollars for every day in which the commission holds a meeting, when  
46 such meeting is subject to the recording of minutes as provided in chapter 610, and shall be  
47 reimbursed for reasonable expenses incurred in the performance of their duties. The chair shall  
48 receive as additional compensation one hundred dollars for each month such person serves on  
49 the commission in that capacity.

50 8. No member or employee of the commission shall be appointed or continue to be a  
51 member or employee who is licensed by the commission as an excursion gambling boat operator  
52 or supplier and no member or employee of the commission shall be appointed or continue to be  
53 a member or employee who is related to any person within the second degree of consanguinity  
54 or affinity who is licensed by the commission as an excursion gambling boat operator or supplier.  
55 The commission shall determine by rule and regulation appropriate restrictions on the  
56 relationship of members and employees of the commission to persons holding or applying for  
57 occupational licenses from the commission or to employees of any licensee of the commission.  
58 No peace officer, as defined by section 590.100, who is designated to have direct regulator  
59 authority related to excursion gambling boats shall be employed by any excursion gambling boat  
60 or supplier licensed by the commission while employed as a peace officer. No member or  
61 employee of the commission or any employee of the state attorney general's office or the state  
62 highway patrol who has direct authority over the regulation or investigation of any applicant or  
63 licensee of the commission or any peace officer of any city or county which has approved  
64 excursion boat gambling shall accept any gift or gratuity from an applicant or licensee while  
65 serving as a member or while under such employment. Any person knowingly in violation of  
66 the provisions of this subsection is guilty of a class A misdemeanor. Any such member, officer

67 or employee who personally or whose prohibited relative knowingly violates the provisions of  
68 this subsection, in addition to the foregoing penalty, shall, upon conviction, immediately and  
69 thereupon forfeit his office or employment.

70 9. The commission may enter into agreements with the Federal Bureau of Investigation,  
71 the Federal Internal Revenue Service, the state attorney general or any state, federal or local  
72 agency the commission deems necessary to carry out the duties of the commission. No state  
73 agency shall count employees used in any agreements entered into with the commission against  
74 any personnel cap authorized by any statute. Any consideration paid by the commission for the  
75 purpose of entering into, or to carry out, any agreement shall be considered an administrative  
76 expense of the commission. When such agreements are entered into for responsibilities relating  
77 to excursion gambling boats, the commission shall require excursion gambling boat licensees  
78 to pay for such services under rules and regulations of the commission. The commission may  
79 provide by rules and regulations for the offset of any prize or winnings won by any person  
80 making a wager subject to the jurisdiction of the commission, when practical, when such person  
81 has an outstanding debt owed the state of Missouri.

82 10. No person who has served as a member or employee of the commission, as a member  
83 of the general assembly, as an elected or appointed official of the state or of any city or county  
84 of this state in which the licensing of excursion gambling boats has been approved in either the  
85 city or county or both or any employee of the state highway patrol designated by the  
86 superintendent of the highway patrol or any employee of the state attorney general's office  
87 designated by the state attorney general to have direct regulatory authority related to excursion  
88 gambling boats shall, while in such office or during such employment and during the first two  
89 years after termination of his office or position, obtain direct ownership interest in or be  
90 employed by any excursion gambling boat licensed by the commission or which has applied for  
91 a license to the commission or enter into a contractual relationship related to direct gaming  
92 activity. A "direct ownership interest" shall be defined as any financial interest, equitable  
93 interest, beneficial interest, or ownership control held by the public official or employee, or such  
94 person's family member related within the second degree of consanguinity or affinity, in any  
95 excursion gambling boat operation or any parent or subsidiary company which owns or operates  
96 an excursion gambling boat or as a supplier to any excursion gambling boat which has applied  
97 for or been granted a license by the commission, provided that a direct ownership interest shall  
98 not include any equity interest purchased at fair market value or equity interest received as  
99 consideration for goods and services provided at fair market value of less than one percent of the  
100 total outstanding shares of stock of any publicly traded corporation or certificates of partnership  
101 of any limited partnership which is listed on a regulated stock exchange or automated quotation  
102 system. Any person who knowingly violates the provisions of this subsection is guilty of a class  
103 [D] E felony. Any such member, officer or employee who personally and knowingly violates  
104 the provisions of this subsection, in addition to the foregoing penalty, shall, upon conviction,

105 immediately and thereupon forfeit his office or employment. For purposes of this subsection,  
106 "appointed official" shall mean any official of this state or of any city or county authorized under  
107 subsection 10 of section 313.812 appointed to a position which has discretionary powers over  
108 the operations of any licensee or applicant for licensure by the commission. This shall only  
109 apply if the appointed official has a direct ownership interest in an excursion gambling boat  
110 licensed by the commission or which has applied for a license to the commission to be docked  
111 within the jurisdiction of his or her appointment. No elected or appointed official, his or her  
112 spouse or dependent child shall, while in such office or within two years after termination of his  
113 or her office or position, be employed by an applicant for an excursion gambling boat license or  
114 an excursion gambling boat licensed by the commission. Any other person related to an elected  
115 or appointed official within the second degree of consanguinity or affinity employed by an  
116 applicant for an excursion gambling boat license or excursion gambling boat licensed by the  
117 commission shall disclose this relationship to the commission. Such disclosure shall be in  
118 writing and shall include who is employing such individual, that person's relationship to the  
119 elected or appointed official, and a job description for which the person is being employed. The  
120 commission may require additional information as it may determine necessary.

121 11. The commission may enter into contracts with any private entity the commission  
122 deems necessary to carry out the duties of the commission, other than criminal law enforcement,  
123 provision of legal counsel before the courts and other agencies of this state, and the enforcement  
124 of liquor laws. The commission may require provisions for special auditing requirements,  
125 investigations and restrictions on the employees of any private entity with which a contract is  
126 entered into by the commission.

127 12. Notwithstanding the provisions of chapter 610 to the contrary, all criminal justice  
128 records shall be available to any agency or commission responsible for licensing or investigating  
129 applicants or licensees applying to any gaming commission of this state.

313.040. The conducting of bingo is subject to the following restrictions:

2 (1) (a) The entire net receipts over and above the actual cost of conducting the game  
3 shall be exclusively devoted to the lawful, charitable, religious or philanthropic purposes of the  
4 organization permitted to conduct that game and no receipts shall be used to compensate in any  
5 manner any person who works for or is in any way affiliated with the licensed organization. Any  
6 person who violates the provisions of this paragraph shall be guilty of a class [D] E felony;

7 (b) Proceeds from the game of bingo may not be loaned to any person, except that this  
8 provision shall not prohibit the investment of the proceeds in any licensed banking or savings  
9 institution, instrument of the United States, Missouri, or any political subdivision thereof. Any  
10 person who violates the provisions of this paragraph shall be guilty of a class C misdemeanor;  
11 and

12 (c) The actual cost of conducting the game shall only include the following:

13 a. The cost of the prizes;

- 14           b. The purchasing of the bingo cards from a licensed supplier;
- 15           c. The purchasing or leasing of the equipment used in conducting the game;
- 16           d. The lease rental on the premises in which the game is conducted to include an  
17 allocation of utility costs, if applicable, costs of providing security, including the employment  
18 of a reasonable number of security personnel at a compensation level which complies with rules  
19 and regulations promulgated by the commission and such personnel is actually present and  
20 engaged in security duties, and bookkeeping and accounting expenses;
- 21           e. The actual cost of providing reasonable janitorial services. The cost of such services  
22 shall not be above the fair market rate charged for similar services in the community where the  
23 bingo game is being conducted;
- 24           f. Subject to constitutional restrictions, if any, the fair market cost of advertising each  
25 bingo occasion. Such advertising shall be procured in accordance with the rules and regulations  
26 of the commission;
- 27           (2) No person shall participate in conducting or managing the game of bingo except a  
28 person who has been a bona fide member of the licensed organization for at least two years  
29 immediately preceding such participation, who is not a paid staff person of the licensed  
30 organization employed and compensated specifically for conducting or managing the game of  
31 bingo and who volunteers the time and service necessary to conduct the game. Subject to  
32 constitutional restrictions, if any, no person shall participate in the actual operation of the game  
33 of bingo under the direction of a person conducting or managing the game of bingo, except a  
34 person who has been a bona fide member of the licensed organization for at least one year  
35 immediately preceding such participation, who is not a paid staff person of the licensed  
36 organization employed and compensated specifically for operating the game of bingo and who  
37 volunteers the time and service necessary to operate the game. If any post or organization, by  
38 its national charter, has established an auxiliary organization for spouses, then members of the  
39 auxiliary organization shall be considered bona fide members of the licensed organization and  
40 members of the post or organization shall be considered bona fide members of the auxiliary  
41 organization for the purposes of this subdivision. Any person who is a duly ordained member  
42 of the clergy and any person who is a full-time employee or staff member of the licensed  
43 organization employed for at least two years by that organization in a capacity not directly related  
44 to the conducting or managing of the game of bingo, who has specific assigned duties under a  
45 definite job description with the licensed organization, and who volunteers time and assistance  
46 to the organization without compensation for such time and assistance in the conducting and  
47 managing of the game of bingo by the organization shall not be considered a paid staff person  
48 for the purposes of this subdivision. No full-time employee or staff member shall volunteer such  
49 time and assistance to more than one organization nor more than one day in any week. The  
50 commission shall establish guidelines for the determination of whether a person is a paid staff  
51 person within the meaning of this subdivision and shall specifically approve any full-time

52 employee or staff member of the organization before such employee or staff member may  
53 volunteer time and assistance in the conducting and managing of bingo games for any  
54 organization. The commission may suspend the approval of any employee or staff member;

55 (3) No person, firm, partnership or corporation shall receive any remuneration, profit or  
56 gift for participating in the management, conduct or operation of the game, including the granting  
57 or use of bingo cards without charge or at a reduced charge from the licensed organization or  
58 from any other source;

59 (4) The aggregate retail value of all prizes or merchandise awarded, except prizes or  
60 merchandise awarded by pull-tab cards and progressive bingo games, in any single day of bingo  
61 may not exceed the amount set by the commission per regulation;

62 (5) The number of games may not exceed sixty-two in any one day, including regular and  
63 special games. For purposes of this subdivision, the use of a pull-tab card and progressive bingo  
64 games shall not count as one of the sixty-two games per day, as limited by this subdivision, but  
65 no pull-tab card may be used except in conjunction with one of such sixty-two games;

66 (6) The price paid for a single bingo card under the license may not exceed one dollar.  
67 The commission may establish by rule or regulation the number of bingo cards which may be  
68 placed on a single bingo sheet. The price for a single pull-tab card may not exceed one dollar.  
69 A licensee may not require a player to purchase more than a standard pack in order to participate  
70 in the bingo occasion;

71 (7) The number of bingo days conducted by a licensee under the provisions of sections  
72 313.005 to 313.080 shall be limited to two days per week;

73 (8) Any person, officer or director of any firm or corporation, and any partner of any  
74 partnership renting or leasing to a licensed organization equipment or premises for use in a game  
75 shall meet all the qualifications set forth in subdivisions (1) to (5) and (8) of section 313.035 and  
76 shall not be a paid staff person of the licensee. Proof of compliance with this subdivision shall  
77 be submitted to the commission by the licensee in the manner required by the commission;

78 (9) Subject to constitutional restrictions, if any, an organization licensed to conduct  
79 bingo in the state of Missouri may advertise a bingo occasion or special event bingo if  
80 expenditures for advertisement do not exceed ten percent of the total amount expended from  
81 receipts of bingo conducted by the licensed organization for charitable, religious or philanthropic  
82 purposes;

83 (10) No person under the age of sixteen years may play or participate in the conducting  
84 of bingo. Any person under the age of sixteen years may be within the area where bingo is being  
85 played only when accompanied by his parent or guardian;

86 (11) No licensee shall lease premises in which it conducts bingo games from someone  
87 who is not a hall provider licensed by the commission;

88 (12) No licensee shall pay any consulting fees to any person for any service performed  
89 in relation to the bingo game;

90 (13) No licensee shall pay concession fees to any person who provides refreshments to  
91 the participants in the bingo game;

92 (14) No licensee shall conduct a bingo session at any time during the period between  
93 1:00 a.m. and 7:00 a.m.;

94 (15) No licensee, while a bingo game is being conducted, shall knowingly permit entry  
95 to any part of the licensed premises to any person of notorious or unsavory reputation or who has  
96 an extensive police record or who has been convicted of a felony;

97 (16) No vending machine or any mechanized coin-operated machine may be used to sell  
98 pull-tab cards or to pay prize money, merchandise gifts or any other form of a prize;

99 (17) No rented or reusable bingo cards may be used to conduct any game. All games  
100 must be conducted with disposable paper bingo cards that are marked by permanent ink as  
101 prescribed by the rules and regulations of the commission, or by electronic bingo card monitoring  
102 device as approved by the commission;

103 (18) No licensee shall purchase or use any bingo supplies from a person who is not  
104 licensed by the state of Missouri as a bingo supplier.

313.290. 1. No person shall sell a ticket or share at a price other than that fixed by rule  
2 or regulation of the commission. No person other than a licensed lottery game retailer shall sell  
3 lottery tickets or shares, but nothing in this section shall be construed to prevent any person from  
4 giving lottery tickets or shares to another as a gift. Any violation of this section is a class A  
5 misdemeanor.

6 2. Any person who falsely or fraudulently makes, forges, alters or counterfeits, or causes  
7 or procures to be made, forged, altered or counterfeited, any state lottery ticket, or any part  
8 thereof, or who knowingly and willfully utters, publishes, passes or tenders as true, any forged,  
9 altered or counterfeited state lottery ticket is guilty of a class [C] **D** felony. Any person who with  
10 intent to defraud secures, manufactures, or causes to be secured or manufactured, or has in his  
11 possession any counterfeit state lottery ticket or device, is guilty of a class [D] **E** felony.

313.550. 1. The commission may issue subpoenas for the attendance of witnesses or the  
2 production of any records, books, memoranda, documents, or other papers or things, to enable  
3 any of them to effectually discharge its or his duties, and may administer oaths or affirmations  
4 as necessary in connection therewith. In addition, the commission shall have the authority to  
5 issue subpoenas under section 536.077 in contested cases.

6 2. Any person subpoenaed who fails to appear at the time and place specified in answer  
7 to the subpoena and to bring any papers or things specified in the subpoena, or who upon such  
8 appearance, refuses to testify or produce such records or things, upon conviction, is guilty of a  
9 class A misdemeanor.

10 3. Any person who testifies falsely under oath in any proceeding before, or any  
11 investigation by, the commission, its secretary, or the stewards, upon conviction, shall be guilty  
12 of a class [D] **E** felony.

313.660. 1. No individual shall for a fee, directly or indirectly, accept anything of value to be wagered or to be transmitted or delivered for wager in any pari-mutuel system of wagering on horse racing or for a fee deliver anything of value which has been received outside of the enclosure of a race track holding a horse race licensed under sections 313.500 to 313.710 to be placed as wagers in the pari-mutuel pool within such enclosure.

2. Any individual violating the provisions of this section shall upon conviction be guilty of a class [C] **D** felony.

313.830. 1. A person is guilty of a class [D] **E** felony for any of the following:

(1) Operating a gambling excursion where wagering is used or to be used without a license issued by the commission;

(2) Operating a gambling excursion where wagering is permitted other than in the manner specified by section 313.817; or

(3) Acting, or employing a person to act, as a shill or decoy to encourage participation in a gambling game.

2. A person is guilty of a class B misdemeanor for the first offense and a class A misdemeanor for the second and subsequent offenses for any of the following:

(1) Permitting a person under the age of twenty-one to make a wager while on an excursion gambling boat;

(2) Making or attempting to make a wager while on an excursion gambling boat when such person is under the age of twenty-one years; or

(3) Aiding a person who is under the age of twenty-one in entering an excursion gambling boat or in making or attempting to make a wager while on an excursion gambling boat.

3. A person wagering or accepting a wager at any location outside the excursion gambling boat is in violation of section 572.040.

4. A person commits a class [D] **E** felony and, in addition, shall be barred for life from excursion gambling boats under the jurisdiction of the commission, if the person:

(1) Offers, promises, or gives anything of value or benefit to a person who is connected with an excursion gambling boat operator including, but not limited to, an officer or employee of a licensee or holder of an occupational license pursuant to an agreement or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to whom the offer, promise, or gift was made in order to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

(2) Solicits or knowingly accepts or receives a promise of anything of value or benefit while the person is connected with an excursion gambling boat including, but not limited to, an officer or employee of a licensee, or holder of an occupational license, pursuant to an understanding or arrangement or with the intent that the promise or thing of value or benefit will influence the actions of the person to affect or attempt to affect the outcome of a gambling game, or to influence official action of a member of the commission;

- 32           (3) Uses a device to assist in any of the following:
- 33           (a) In projecting the outcome of the game;
- 34           (b) In keeping track of the cards played;
- 35           (c) In analyzing the probability of the occurrence of an event relating to the gambling
- 36 game; or
- 37           (d) In analyzing the strategy for playing or betting to be used in the game, except as
- 38 permitted by the commission;
- 39           (4) Cheats at a gambling game;
- 40           (5) Manufactures, sells, or distributes any cards, chips, dice, game or device which is
- 41 intended to be used to violate any provision of sections 313.800 to 313.850;
- 42           (6) Instructs a person in cheating or in the use of a device for that purpose with the
- 43 knowledge or intent that the information or use conveyed may be employed to violate any
- 44 provision of sections 313.800 to 313.850;
- 45           (7) Alters or misrepresents the outcome of a gambling game on which wagers have been
- 46 made after the outcome is made sure but before it is revealed to the players;
- 47           (8) Places a bet after acquiring knowledge, not available to all players, of the outcome
- 48 of the gambling game which is the subject of the bet or to aid a person in acquiring the
- 49 knowledge for the purpose of placing a bet contingent on that outcome;
- 50           (9) Claims, collects, or takes, or attempts to claim, collect, or take, money or anything
- 51 of value in or from the gambling games, with intent to defraud, without having made a wager
- 52 contingent on winning a gambling game, or claims, collects, or takes an amount of money or
- 53 thing of value of greater value than the amount won;
- 54           (10) Knowingly entices or induces a person to go to any place where a gambling game
- 55 is being conducted or operated in violation of the provisions of sections 313.800 to 313.850 with
- 56 the intent that the other person plays or participates in that gambling game;
- 57           (11) Uses counterfeit chips or tokens in a gambling game;
- 58           (12) Knowingly uses, other than chips, tokens, coin, of other methods of credit approved
- 59 by the commission, legal tender of the United States of America, or to use coin not of the
- 60 denomination as the coin intended to be used in the gambling games;
- 61           (13) Has in the person's possession any device intended to be used to violate a provision
- 62 of sections 313.800 to 313.850;
- 63           (14) Has in the person's possession, except a gambling licensee or employee of a
- 64 gambling licensee acting in furtherance of the employee's employment, any key or device
- 65 designed for the purpose of opening, entering, or affecting the operation of a gambling game,
- 66 drop box, or an electronic or mechanical device connected with the gambling game or for
- 67 removing coins, tokens, chips or other contents of the gambling game; or
- 68           (15) Knowingly makes a false statement of any material fact to the commission, its
- 69 agents or employees.



70           5. The possession of one or more of the devices described in subdivision (3), (5), (13)  
71 or (14) of subsection 4 of this section permits a rebuttable inference that the possessor intended  
72 to use the devices for cheating.

73           6. Except for wagers on gambling games or exchanges for money as provided in section  
74 313.817, or as payment for food or beverages on the excursion gambling boat, a licensee who  
75 exchanges tokens, chips, or other forms of credit to be used on gambling games for anything of  
76 value commits a class B misdemeanor.

77           7. If the commission determines that reasonable grounds to believe that a violation of  
78 sections 313.800 to 313.850 has occurred or is occurring which is a criminal offense, the  
79 commission shall refer such matter to both the state attorney general and the prosecuting attorney  
80 or circuit attorney having jurisdiction. The state attorney general and the prosecuting attorney  
81 or circuit attorney with such jurisdiction shall have concurrent jurisdiction to commence actions  
82 for violations of sections 313.800 to 313.850 where such violations have occurred.

83           8. Venue for all crimes committed on an excursion gambling boat shall be the  
84 jurisdiction of the home dock city or county or such county where a home dock city is located.

317.018. 1. Combative fighting is prohibited in the state of Missouri.

2           2. Anyone who promotes or participates in combative fighting, or anyone who serves as  
3 an agent, principal partner, publicist, vendor, producer, referee, or contractor of or for combative  
4 fighting is guilty of a class [D] E felony.

5           3. Any medical personnel who administers to, treats or assists any participants of  
6 combative fighting shall not be subject to the provisions of this section.

7           4. Nothing in section 317.001 or this section is intended to regulate, or interfere with or  
8 make illegal, traditional, sanctioned amateur or scholastic boxing, amateur or scholastic  
9 wrestling, amateur or scholastic kickboxing, or amateur or scholastic full-contact karate or  
10 amateur or scholastic mixed martial arts.

[571.085.] **319.1000.** Residents of the state of Missouri may purchase firearms in any  
2 state, provided that such residents conform to the applicable provisions of the Federal Gun  
3 Control Act of 1968, and regulations thereunder, and provided further that such residents  
4 conform to the provisions of law applicable to such purchase in the state of Missouri and in the  
5 state in which the purchase is made.

[571.087.] **319.1005.** Residents of any state may purchase firearms in the state of  
2 Missouri, provided that such residents conform to the applicable provisions of the Federal Gun  
3 Control Act of 1968, and regulations thereunder, and provided further that such residents  
4 conform to the provisions of law applicable to such purchase in the state of Missouri and in the  
5 state in which such persons reside.

[571.093.] **319.1007.** If any sheriff retains records of permits to obtain concealable  
2 firearms issued under former section 571.090, as repealed by senate bills nos. 62 and 41 of the  
3 ninety-fourth general assembly, then such records shall be closed to the public. No such record

4 shall be made available for any purpose whatsoever unless its disclosure is mandated by a valid  
5 court order relating to a criminal investigation.

[571.095.] **319.1010.** Upon conviction for or attempting to commit a felony in violation  
2 of any law perpetrated in whole or in part by the use of a firearm, the court may, in addition to  
3 the penalty provided by law for such offense, order the confiscation and disposal or sale or trade  
4 to a licensed firearms dealer of firearms and ammunition used in the commission of the crime  
5 or found in the possession or under the immediate control of the defendant at the time of his or  
6 her arrest. The proceeds of any sale or gains from trade shall be the property of the police  
7 department or sheriff's department responsible for the defendant's arrest or the confiscation of  
8 the firearms and ammunition. If such firearms or ammunition are not the property of the  
9 convicted felon, they shall be returned to their rightful owner if he or she is known and was not  
10 a participant in the crime. Any proceeds collected under this section shall be deposited with the  
11 municipality or by the county treasurer into the county sheriff's revolving fund established in  
12 section 50.535.

[571.101.] **319.1025.** 1. All applicants for concealed carry endorsements issued pursuant  
2 to subsection 7 of this section must satisfy the requirements of sections [571.101 to 571.121]  
3 **319.1025 to 319.1043.** If the said applicant can show qualification as provided by sections  
4 [571.101 to 571.121] **319.1025 to 319.1043,** the county or city sheriff shall issue a certificate of  
5 qualification for a concealed carry endorsement. Upon receipt of such certificate, the certificate  
6 holder shall apply for a driver's license or nondriver's license with the director of revenue in order  
7 to obtain a concealed carry endorsement. Any person who has been issued a concealed carry  
8 endorsement on a driver's license or nondriver's license and such endorsement or license has not  
9 been suspended, revoked, cancelled, or denied may carry concealed firearms on or about his or  
10 her person or within a vehicle. A concealed carry endorsement shall be valid for a period of  
11 three years from the date of issuance or renewal. The concealed carry endorsement is valid  
12 throughout this state.

13 2. A certificate of qualification for a concealed carry endorsement issued pursuant to  
14 subsection 7 of this section shall be issued by the sheriff or his or her designee of the county or  
15 city in which the applicant resides, if the applicant:

16 (1) Is at least twenty-one years [of age] **old,** is a citizen of the United States and either:

17 (a) Has assumed residency in this state; or

18 (b) Is a member of the armed forces stationed in Missouri, or the spouse of such member  
19 of the military;

20 (2) Has not [pled guilty to or entered a plea of nolo contendere or] been [convicted of  
21 a crime] **found guilty of an offense** punishable by imprisonment for a term exceeding one year  
22 under the laws of any state or of the United States other than a crime classified as a misdemeanor  
23 under the laws of any state and punishable by a term of imprisonment of one year or less that  
24 does not involve an explosive weapon, firearm, firearm silencer or gas gun;

25 (3) Has not been [convicted of, pled guilty to or entered a plea of nolo contendere to]  
26 **found guilty of** one or more misdemeanor offenses involving crimes of violence within a  
27 five-year period immediately preceding application for a certificate of qualification for a  
28 concealed carry endorsement or if the applicant has not been [convicted] **found guilty of** of two  
29 or more misdemeanor offenses involving driving while under the influence of intoxicating liquor  
30 or drugs or the possession or abuse of a controlled substance within a five-year period  
31 immediately preceding application for a certificate of qualification for a concealed carry  
32 endorsement;

33 (4) Is not a fugitive from justice or currently charged in an information or indictment  
34 with the commission of a crime punishable by imprisonment for a term exceeding one year under  
35 the laws of any state of the United States other than a crime classified as a misdemeanor under  
36 the laws of any state and punishable by a term of imprisonment of two years or less that does not  
37 involve an explosive weapon, firearm, firearm silencer, or gas gun;

38 (5) Has not been discharged under dishonorable conditions from the United States armed  
39 forces;

40 (6) Has not engaged in a pattern of behavior, documented in public records, that causes  
41 the sheriff to have a reasonable belief that the applicant presents a danger to himself or others;

42 (7) Is not adjudged mentally incompetent at the time of application or for five years prior  
43 to application, or has not been committed to a mental health facility, as defined in section  
44 632.005, or a similar institution located in another state following a hearing at which the  
45 defendant was represented by counsel or a representative;

46 (8) Submits a completed application for a certificate of qualification as described in  
47 subsection 3 of this section;

48 (9) Submits an affidavit attesting that the applicant complies with the concealed carry  
49 safety training requirement pursuant to subsections 1 and 2 of section [571.111] **319.1034**;

50 (10) Is not the respondent of a valid full order of protection which is still in effect.

51 3. The application for a certificate of qualification for a concealed carry endorsement  
52 issued by the sheriff of the county of the applicant's residence shall contain only the following  
53 information:

54 (1) The applicant's name, address, telephone number, gender, and date and place of birth;

55 (2) An affirmation that the applicant has assumed residency in Missouri or is a member  
56 of the armed forces stationed in Missouri or the spouse of such a member of the armed forces  
57 and is a citizen of the United States;

58 (3) An affirmation that the applicant is at least twenty-one years [of age] **old**;

59 (4) An affirmation that the applicant has [not pled] **been found guilty** [to or been  
60 convicted of a crime] **of an offense** punishable by imprisonment for a term exceeding one year  
61 under the laws of any state or of the United States other than a crime classified as a misdemeanor

62 under the laws of any state and punishable by a term of imprisonment of one year or less that  
63 does not involve an explosive weapon, firearm, firearm silencer, or gas gun;

64 (5) An affirmation that the applicant has not been [convicted of, pled guilty to, or entered  
65 a plea of nolo contendere to] **found guilty of** one or more misdemeanor offenses involving  
66 crimes of violence within a five-year period immediately preceding application for a certificate  
67 of qualification to obtain a concealed carry endorsement or if the applicant has not been  
68 [convicted] **found guilty** of two or more misdemeanor offenses involving driving while under  
69 the influence of intoxicating liquor or drugs or the possession or abuse of a controlled substance  
70 within a five-year period immediately preceding application for a certificate of qualification to  
71 obtain a concealed carry endorsement;

72 (6) An affirmation that the applicant is not a fugitive from justice or currently charged  
73 in an information or indictment with the commission of a crime punishable by imprisonment for  
74 a term exceeding one year under the laws of any state or of the United States other than a crime  
75 classified as a misdemeanor under the laws of any state and punishable by a term of  
76 imprisonment of two years or less that does not involve an explosive weapon, firearm, firearm  
77 silencer or gas gun;

78 (7) An affirmation that the applicant has not been discharged under dishonorable  
79 conditions from the United States armed forces;

80 (8) An affirmation that the applicant is not adjudged mentally incompetent at the time  
81 of application or for five years prior to application, or has not been committed to a mental health  
82 facility, as defined in section 632.005, or a similar institution located in another state, except that  
83 a person whose release or discharge from a facility in this state pursuant to chapter 632, or a  
84 similar discharge from a facility in another state, occurred more than five years ago without  
85 subsequent recommitment may apply;

86 (9) An affirmation that the applicant has received firearms safety training that meets the  
87 standards of applicant firearms safety training defined in subsection 1 or 2 of section [571.111]  
88 **319.1034**;

89 (10) An affirmation that the applicant, to the applicant's best knowledge and belief, is  
90 not the respondent of a valid full order of protection which is still in effect; and

91 (11) A conspicuous warning that false statements made by the applicant will result in  
92 prosecution for perjury pursuant to the laws of the state of Missouri.

93 4. An application for a certificate of qualification for a concealed carry endorsement shall  
94 be made to the sheriff of the county or any city not within a county in which the applicant  
95 resides. An application shall be filed in writing, signed under oath and under the penalties of  
96 perjury, and shall state whether the applicant complies with each of the requirements specified  
97 in subsection 2 of this section. In addition to the completed application, the applicant for a  
98 certificate of qualification for a concealed carry endorsement must also submit the following:

(1) A photocopy of a firearms safety training certificate of completion or other evidence of completion of a firearms safety training course that meets the standards established in subsection 1 or 2 of section [571.111] **319.1034**; and

(2) A nonrefundable certificate of qualification fee as provided by subsection 10 or 11 of this section.

5. Before an application for a certificate of qualification for a concealed carry endorsement is approved, the sheriff shall make only such inquiries as he or she deems necessary into the accuracy of the statements made in the application. The sheriff may require that the applicant display a Missouri driver's license or nondriver's license or military identification and orders showing the person being stationed in Missouri. In order to determine the applicant's suitability for a certificate of qualification for a concealed carry endorsement, the applicant shall be fingerprinted. The sheriff shall request a criminal background check through the appropriate law enforcement agency within three working days after submission of the properly completed application for a certificate of qualification for a concealed carry endorsement. If no disqualifying record is identified by the fingerprint check at the state level, the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check. Upon receipt of the completed background check, the sheriff shall issue a certificate of qualification for a concealed carry endorsement within three working days. The sheriff shall issue the certificate within forty-five calendar days if the criminal background check has not been received, provided that the sheriff shall revoke any such certificate and endorsement within twenty-four hours of receipt of any background check that results in a disqualifying record, and shall notify the department of revenue.

6. The sheriff may refuse to approve an application for a certificate of qualification for a concealed carry endorsement if he or she determines that any of the requirements specified in subsection 2 of this section have not been met, or if he or she has a substantial and demonstrable reason to believe that the applicant has rendered a false statement regarding any of the provisions of sections [571.101 to 571.121] **319.1025 to 319.1043**. If the applicant is found to be ineligible, the sheriff is required to deny the application, and notify the applicant in writing, stating the grounds for denial and informing the applicant of the right to submit, within thirty days, any additional documentation relating to the grounds of the denial. Upon receiving any additional documentation, the sheriff shall reconsider his or her decision and inform the applicant within thirty days of the result of the reconsideration. The applicant shall further be informed in writing of the right to appeal the denial pursuant to subsections 2, 3, 4, and 5 of section [571.114] **319.1037**. After two additional reviews and denials by the sheriff, the person submitting the application shall appeal the denial pursuant to subsections 2, 3, 4, and 5 of section [571.114] **319.1037**.

7. If the application is approved, the sheriff shall issue a certificate of qualification for a concealed carry endorsement to the applicant within a period not to exceed three working days

after his or her approval of the application. The applicant shall sign the certificate of qualification in the presence of the sheriff or his or her designee and shall within seven days of receipt of the certificate of qualification take the certificate of qualification to the department of revenue. Upon verification of the certificate of qualification and completion of a driver's license or nondriver's license application pursuant to chapter 302, the director of revenue shall issue a new driver's license or nondriver's license with an endorsement which identifies that the applicant has received a certificate of qualification to carry concealed weapons issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** if the applicant is otherwise qualified to receive such driver's license or nondriver's license. Notwithstanding any other provision of chapter 302, a nondriver's license with a concealed carry endorsement shall expire three years from the date the certificate of qualification was issued pursuant to this section. The requirements for the director of revenue to issue a concealed carry endorsement pursuant to this subsection shall not be effective until July 1, 2004, and the certificate of qualification issued by a county sheriff pursuant to subsection 1 of this section shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 1 of section [571.107] **319.1031** in lieu of the concealed carry endorsement issued by the director of revenue from October 11, 2003, until the concealed carry endorsement is issued by the director of revenue on or after July 1, 2004, unless such certificate of qualification has been suspended or revoked for cause.

8. The sheriff shall keep a record of all applications for a certificate of qualification for a concealed carry endorsement and his or her action thereon. The sheriff shall report the issuance of a certificate of qualification to the Missouri uniform law enforcement system. All information on any such certificate that is protected information on any driver's or nondriver's license shall have the same personal protection for purposes of sections [571.101 to 571.121] **319.1025 to 319.1043**. An applicant's status as a holder of a certificate of qualification or a concealed carry endorsement shall not be public information and shall be considered personal protected information. Any person who violates the provisions of this subsection by disclosing protected information shall be guilty of a class A misdemeanor.

9. Information regarding any holder of a certificate of qualification or a concealed carry endorsement is a closed record.

10. For processing an application for a certificate of qualification for a concealed carry endorsement pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043**, the sheriff in each county shall charge a nonrefundable fee not to exceed one hundred dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

11. For processing a renewal for a certificate of qualification for a concealed carry endorsement pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043**, the sheriff in each county shall charge a nonrefundable fee not to exceed fifty dollars which shall be paid to the treasury of the county to the credit of the sheriff's revolving fund.

12. For the purposes of sections [571.101 to 571.121] **319.1025 to 319.1043**, the term "sheriff" shall include the sheriff of any county or city not within a county or his or her designee and in counties of the first classification the sheriff may designate the chief of police of any city, town, or municipality within such county.

[571.104.] **319.1028.** 1. (1) A concealed carry endorsement issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** shall be suspended or revoked if the concealed carry endorsement holder becomes ineligible for such concealed carry endorsement under the criteria established in subdivisions (2), (3), (4), (5), and (7) of subsection 2 of section [571.101] **319.1025** or upon the issuance of a valid full order of protection.

(2) When a valid full order of protection, or any arrest warrant, discharge, or commitment for the reasons listed in subdivision (2), (3), (4), (5), or (7) of subsection 2 of section [571.101] **319.1025**, is issued against a person holding a concealed carry endorsement issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** upon notification of said order, warrant, discharge or commitment or upon an order of a court of competent jurisdiction in a criminal proceeding, a commitment proceeding or a full order of protection proceeding ruling that a person holding a concealed carry endorsement presents a risk of harm to themselves or others, then upon notification of such order, the holder of the concealed carry endorsement shall surrender the driver's license or nondriver's license containing the concealed carry endorsement to the court, to the officer, or other official serving the order, warrant, discharge, or commitment.

(3) The official to whom the driver's license or nondriver's license containing the concealed carry endorsement is surrendered shall issue a receipt to the licensee for the license upon a form, approved by the director of revenue, that serves as a driver's license or a nondriver's license and clearly states the concealed carry endorsement has been suspended. The official shall then transmit the driver's license or a nondriver's license containing the concealed carry endorsement to the circuit court of the county issuing the order, warrant, discharge, or commitment. The concealed carry endorsement issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** shall be suspended until the order is terminated or until the arrest results in a dismissal of all charges. Upon dismissal, the court holding the driver's license or nondriver's license containing the concealed carry endorsement shall return it to the individual.

(4) Any conviction, discharge, or commitment specified in sections [571.101 to 571.121] **319.1025 to 319.1043** shall result in a revocation. Upon conviction, the court shall forward a notice of conviction or action and the driver's license or nondriver's license with the concealed carry endorsement to the department of revenue. The department of revenue shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and shall report the change in status of the concealed carry endorsement to the Missouri uniform law enforcement system. The director of revenue shall immediately remove the endorsement issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** from

35 the individual's driving record within three days of the receipt of the notice from the court. The  
36 director of revenue shall notify the licensee that he or she must apply for a new license pursuant  
37 to chapter 302 which does not contain such endorsement. This requirement does not affect the  
38 driving privileges of the licensee. The notice issued by the department of revenue shall be  
39 mailed to the last known address shown on the individual's driving record. The notice is deemed  
40 received three days after mailing.

41         2. A concealed carry endorsement shall be renewed for a qualified applicant upon receipt  
42 of the properly completed renewal application and the required renewal fee by the sheriff of the  
43 county of the applicant's residence. The renewal application shall contain the same required  
44 information as set forth in subsection 3 of section [571.101] **319.1025**, except that in lieu of the  
45 fingerprint requirement of subsection 5 of section [571.101] **319.1025** and the firearms safety  
46 training, the applicant need only display his or her current driver's license or nondriver's license  
47 containing a concealed carry endorsement. Upon successful completion of all renewal  
48 requirements, the sheriff shall issue a certificate of qualification which contains the date such  
49 certificate was renewed.

50         3. A person who has been issued a certificate of qualification for a concealed carry  
51 endorsement who fails to file a renewal application on or before its expiration date must pay an  
52 additional late fee of ten dollars per month for each month it is expired for up to six months.  
53 After six months, the sheriff who issued the expired certificate shall notify the director of  
54 revenue that such certificate is expired. The director of revenue shall immediately cancel the  
55 concealed carry endorsement and remove such endorsement from the individual's driving record  
56 and notify the individual of such cancellation. The notice of cancellation of the endorsement  
57 shall be conducted in the same manner as described in subsection 1 of this section. Any person  
58 who has been issued a certificate of qualification for a concealed carry endorsement pursuant to  
59 sections [571.101 to 571.121] **319.1025 to 319.1043** who fails to renew his or her application  
60 within the six-month period must reapply for a new certificate of qualification for a concealed  
61 carry endorsement and pay the fee for a new application. The director of revenue shall not issue  
62 an endorsement on a renewed driver's license or renewed nondriver's license unless the applicant  
63 for such license provides evidence that he or she has renewed the certification of qualification  
64 for a concealed carry endorsement in the manner provided for such renewal pursuant to sections  
65 [571.101 to 571.121] **319.1025 to 319.1043**. If an applicant for renewal of a driver's license or  
66 nondriver's license containing a concealed carry endorsement does not want to maintain the  
67 concealed carry endorsement, the applicant shall inform the director at the time of license  
68 renewal of his or her desire to remove the endorsement. When a driver's or nondriver's license  
69 applicant informs the director of his or her desire to remove the concealed carry endorsement,  
70 the director shall renew the driver's license or nondriver's license without the endorsement  
71 appearing on the license if the applicant is otherwise qualified for such renewal.



72           4. Any person issued a concealed carry endorsement pursuant to sections [571.101 to  
73 571.121] **319.1025 to 319.1043** shall notify the department of revenue and the sheriffs of both  
74 the old and new jurisdictions of the endorsement holder's change of residence within thirty days  
75 after the changing of a permanent residence. The endorsement holder shall furnish proof to the  
76 department of revenue and the sheriff in the new jurisdiction that the endorsement holder has  
77 changed his or her residence. The sheriff of the new jurisdiction may charge a processing fee of  
78 not more than ten dollars for any costs associated with notification of a change in residence. The  
79 change of residence shall be made by the department of revenue onto the individual's driving  
80 record and the new address shall be accessible by the Missouri uniform law enforcement system  
81 within three days of receipt of the information.

82           5. Any person issued a driver's license or nondriver's license containing a concealed carry  
83 endorsement pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** shall notify the  
84 sheriff or his or her designee of the endorsement holder's county or city of residence within seven  
85 days after actual knowledge of the loss or destruction of his or her driver's license or nondriver's  
86 license containing a concealed carry endorsement. The endorsement holder shall furnish a  
87 statement to the sheriff that the driver's license or nondriver's license containing the concealed  
88 carry endorsement has been lost or destroyed. After notification of the loss or destruction of a  
89 driver's license or nondriver's license containing a concealed carry endorsement, the sheriff shall  
90 reissue a new certificate of qualification within three working days of being notified by the  
91 concealed carry endorsement holder of its loss or destruction. The reissued certificate of  
92 qualification shall contain the same personal information, including expiration date, as the  
93 original certificate of qualification. The applicant shall then take the certificate to the department  
94 of revenue, and the department of revenue shall proceed on the certificate in the same manner  
95 as provided in subsection 7 section [571.101] **319.1025**. Upon application for a license pursuant  
96 to chapter 302, the director of revenue shall issue a driver's license or nondriver's license  
97 containing a concealed carry endorsement if the applicant is otherwise eligible to receive such  
98 license.

99           6. If a person issued a concealed carry endorsement changes his or her name, the person  
100 to whom the endorsement was issued shall obtain a corrected certificate of qualification for a  
101 concealed carry endorsement with a change of name from the sheriff who issued such certificate  
102 upon the sheriff's verification of the name change. The sheriff may charge a processing fee of  
103 not more than ten dollars for any costs associated with obtaining a corrected certificate of  
104 qualification. The endorsement holder shall furnish proof of the name change to the department  
105 of revenue and the sheriff within thirty days of changing his or her name and display his or her  
106 current driver's license or nondriver's license containing a concealed carry endorsement. The  
107 endorsement holder shall apply for a new driver's license or nondriver's license containing his  
108 or her new name. Such application for a driver's license or nondriver's license shall be made  
109 pursuant to chapter 302. The director of revenue shall issue a driver's license or nondriver's

license with concealed carry endorsement with the endorsement holder's new name if the applicant is otherwise eligible for such license. The director of revenue shall take custody of the old driver's license or nondriver's license. The name change shall be made by the department of revenue onto the individual's driving record and the new name shall be accessible by the Missouri uniform law enforcement system within three days of receipt of the information.

7. A concealed carry endorsement shall be automatically invalid after thirty days if the endorsement holder has changed his or her name or changed his or her residence and not notified the department of revenue and sheriff of a change of name or residence as required in subsections 4 and 6 of this section.

[571.107.] **319.1031.** 1. A concealed carry endorsement issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize the person in whose name the permit or endorsement is issued to carry concealed firearms on or about his or her person or vehicle throughout the state. No driver's license or nondriver's license containing a concealed carry endorsement issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** or a concealed carry endorsement or permit issued by another state or political subdivision of another state shall authorize any person to carry concealed firearms into:

(1) Any police, sheriff, or highway patrol office or station without the consent of the chief law enforcement officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(2) Within twenty-five feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(4) Any courthouse solely occupied by the circuit, appellate or supreme court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This subdivision shall also include, but not be limited to, any juvenile, family, drug, or other court offices, any room or office wherein any of the courts or offices listed in this subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by supreme court rule pursuant to subdivision (6) of this subsection. Nothing in this subdivision shall preclude those persons listed in subdivision (1) of subsection [2 of section 571.030] **1 of section 571.041** while within their jurisdiction and on duty, those persons listed in subdivisions (2), (4), and [(10)] **(9)** of subsection [2 of section 571.030] **1 of section 571.041**,

30 or such other persons who serve in a law enforcement capacity for a court as may be specified  
31 by supreme court rule pursuant to subdivision (6) of this subsection from carrying a concealed  
32 firearm within any of the areas described in this subdivision. Possession of a firearm in a vehicle  
33 on the premises of any of the areas listed in this subdivision shall not be a criminal offense so  
34 long as the firearm is not removed from the vehicle or brandished while the vehicle is on the  
35 premises;

36 (5) Any meeting of the governing body of a unit of local government; or any meeting of  
37 the general assembly or a committee of the general assembly, except that nothing in this  
38 subdivision shall preclude a member of the body holding a valid concealed carry endorsement  
39 from carrying a concealed firearm at a meeting of the body which he or she is a member.  
40 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the  
41 firearm is not removed from the vehicle or brandished while the vehicle is on the premises.  
42 Nothing in this subdivision shall preclude a member of the general assembly, a full-time  
43 employee of the general assembly employed under section 17, article III, Constitution of  
44 Missouri, legislative employees of the general assembly as determined under section 21.155, or  
45 statewide elected officials and their employees, holding a valid concealed carry endorsement,  
46 from carrying a concealed firearm in the state capitol building or at a meeting whether of the full  
47 body of a house of the general assembly or a committee thereof, that is held in the state capitol  
48 building;

49 (6) The general assembly, supreme court, county or municipality may by rule,  
50 administrative regulation, or ordinance prohibit or limit the carrying of concealed firearms by  
51 endorsement holders in that portion of a building owned, leased or controlled by that unit of  
52 government. Any portion of a building in which the carrying of concealed firearms is prohibited  
53 or limited shall be clearly identified by signs posted at the entrance to the restricted area. The  
54 statute, rule or ordinance shall exempt any building used for public housing by private persons,  
55 highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by that  
56 unit of government from any restriction on the carrying or possession of a firearm. The statute,  
57 rule or ordinance shall not specify any criminal penalty for its violation but may specify that  
58 persons violating the statute, rule or ordinance may be denied entrance to the building, ordered  
59 to leave the building and if employees of the unit of government, be subjected to disciplinary  
60 measures for violation of the provisions of the statute, rule or ordinance. The provisions of this  
61 subdivision shall not apply to any other unit of government;

62 (7) Any establishment licensed to dispense intoxicating liquor for consumption on the  
63 premises, which portion is primarily devoted to that purpose, without the consent of the owner  
64 or manager. The provisions of this subdivision shall not apply to the licensee of said  
65 establishment. The provisions of this subdivision shall not apply to any bona fide restaurant  
66 open to the general public having dining facilities for not less than fifty persons and that receives  
67 at least fifty-one percent of its gross annual income from the dining facilities by the sale of food.

68 This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the  
69 establishment and shall not be a criminal offense so long as the firearm is not removed from the  
70 vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision  
71 authorizes any individual who has been issued a concealed carry endorsement to possess any  
72 firearm while intoxicated;

73 (8) Any area of an airport to which access is controlled by the inspection of persons and  
74 property. Possession of a firearm in a vehicle on the premises of the airport shall not be a  
75 criminal offense so long as the firearm is not removed from the vehicle or brandished while the  
76 vehicle is on the premises;

77 (9) Any place where the carrying of a firearm is prohibited by federal law;

78 (10) Any higher education institution or elementary or secondary school facility without  
79 the consent of the governing body of the higher education institution or a school official or the  
80 district school board. Possession of a firearm in a vehicle on the premises of any higher  
81 education institution or elementary or secondary school facility shall not be a criminal offense  
82 so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the  
83 premises;

84 (11) Any portion of a building used as a child care facility without the consent of the  
85 manager. Nothing in this subdivision shall prevent the operator of a child care facility in a  
86 family home from owning or possessing a firearm or a driver's license or nondriver's license  
87 containing a concealed carry endorsement;

88 (12) Any riverboat gambling operation accessible by the public without the consent of  
89 the owner or manager pursuant to rules promulgated by the gaming commission. Possession of  
90 a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal  
91 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle  
92 is on the premises;

93 (13) Any gated area of an amusement park. Possession of a firearm in a vehicle on the  
94 premises of the amusement park shall not be a criminal offense so long as the firearm is not  
95 removed from the vehicle or brandished while the vehicle is on the premises;

96 (14) Any church or other place of religious worship without the consent of the minister  
97 or person or persons representing the religious organization that exercises control over the place  
98 of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal  
99 offense so long as the firearm is not removed from the vehicle or brandished while the vehicle  
100 is on the premises;

101 (15) Any private property whose owner has posted the premises as being off-limits to  
102 concealed firearms by means of one or more signs displayed in a conspicuous place of a  
103 minimum size of eleven inches by fourteen inches with the writing thereon in letters of not less  
104 than one inch. The owner, business or commercial lessee, manager of a private business  
105 enterprise, or any other organization, entity, or person may prohibit persons holding a concealed

106 carry endorsement from carrying concealed firearms on the premises and may prohibit  
107 employees, not authorized by the employer, holding a concealed carry endorsement from  
108 carrying concealed firearms on the property of the employer. If the building or the premises are  
109 open to the public, the employer of the business enterprise shall post signs on or about the  
110 premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on  
111 the premises shall not be a criminal offense so long as the firearm is not removed from the  
112 vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees  
113 or other persons holding a concealed carry endorsement from carrying a concealed firearm in  
114 vehicles owned by the employer;

115 (16) Any sports arena or stadium with a seating capacity of five thousand or more.  
116 Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the  
117 firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

118 (17) Any hospital accessible by the public. Possession of a firearm in a vehicle on the  
119 premises of a hospital shall not be a criminal offense so long as the firearm is not removed from  
120 the vehicle or brandished while the vehicle is on the premises.

121 2. Carrying of a concealed firearm in a location specified in subdivisions (1) to (17) of  
122 subsection 1 of this section by any individual who holds a concealed carry endorsement issued  
123 pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** shall not be a criminal act but  
124 may subject the person to denial to the premises or removal from the premises. If such person  
125 refuses to leave the premises and a peace officer is summoned, such person may be issued a  
126 citation for an amount not to exceed one hundred dollars for the first offense. If a second citation  
127 for a similar violation occurs within a six-month period, such person shall be fined an amount  
128 not to exceed two hundred dollars and his or her endorsement to carry concealed firearms shall  
129 be suspended for a period of one year. If a third citation for a similar violation is issued within  
130 one year of the first citation, such person shall be fined an amount not to exceed five hundred  
131 dollars and shall have his or her concealed carry endorsement revoked and such person shall not  
132 be eligible for a concealed carry endorsement for a period of three years. Upon conviction of  
133 charges arising from a citation issued pursuant to this subsection, the court shall notify the sheriff  
134 of the county which issued the certificate of qualification for a concealed carry endorsement and  
135 the department of revenue. The sheriff shall suspend or revoke the certificate of qualification  
136 for a concealed carry endorsement and the department of revenue shall issue a notice of such  
137 suspension or revocation of the concealed carry endorsement and take action to remove the  
138 concealed carry endorsement from the individual's driving record. The director of revenue shall  
139 notify the licensee that he or she must apply for a new license pursuant to chapter 302 which  
140 does not contain such endorsement. A concealed carry endorsement suspension pursuant to  
141 sections [571.101 to 571.121] **319.1025 to 319.1043** shall be reinstated at the time of the renewal  
142 of his or her driver's license. The notice issued by the department of revenue shall be mailed to

143 the last known address shown on the individual's driving record. The notice is deemed received  
144 three days after mailing.

[571.111.] **319.1034.** 1. An applicant for a concealed carry endorsement shall  
2 demonstrate knowledge of firearms safety training. This requirement shall be fully satisfied if  
3 the applicant for a concealed carry endorsement:

4 (1) Submits a photocopy of a certificate of firearms safety training course completion,  
5 as defined in subsection 2 of this section, signed by a qualified firearms safety instructor as  
6 defined in subsection 5 of this section; or

7 (2) Submits a photocopy of a certificate that shows the applicant completed a firearms  
8 safety course given by or under the supervision of any state, county, municipal, or federal law  
9 enforcement agency; or

10 (3) Is a qualified firearms safety instructor as defined in subsection 5 of this section; or

11 (4) Submits proof that the applicant currently holds any type of valid peace officer  
12 license issued under the requirements of chapter 590; or

13 (5) Submits proof that the applicant is currently allowed to carry firearms in accordance  
14 with the certification requirements of section 217.710; or

15 (6) Submits proof that the applicant is currently certified as any class of corrections  
16 officer by the Missouri department of corrections and has passed at least one eight-hour firearms  
17 training course, approved by the director of the Missouri department of corrections under the  
18 authority granted to him or her by section 217.105, that includes instruction on the justifiable use  
19 of force as prescribed in chapter 563.

20 2. A certificate of firearms safety training course completion may be issued to any  
21 applicant by any qualified firearms safety instructor. On the certificate of course completion the  
22 qualified firearms safety instructor shall affirm that the individual receiving instruction has taken  
23 and passed a firearms safety course of at least eight hours in length taught by the instructor that  
24 included:

25 (1) Handgun safety in the classroom, at home, on the firing range and while carrying the  
26 firearm;

27 (2) A physical demonstration performed by the applicant that demonstrated his or her  
28 ability to safely load and unload a revolver and a semiautomatic pistol and demonstrated his or  
29 her marksmanship with both;

30 (3) The basic principles of marksmanship;

31 (4) Care and cleaning of concealable firearms;

32 (5) Safe storage of firearms at home;

33 (6) The requirements of this state for obtaining a certificate of qualification for a  
34 concealed carry endorsement from the sheriff of the individual's county of residence and a  
35 concealed carry endorsement issued by the department of revenue;

36 (7) The laws relating to firearms as prescribed in this chapter;

37 (8) The laws relating to the justifiable use of force as prescribed in chapter 563;

38 (9) A live firing exercise of sufficient duration for each applicant to fire both a revolver  
39 and a semiautomatic pistol, from a standing position or its equivalent, a minimum of fifty rounds  
40 from each handgun at a distance of seven yards from a B-27 silhouette target or an equivalent  
41 target;

42 (10) A live fire test administered to the applicant while the instructor was present of  
43 twenty rounds from each handgun from a standing position or its equivalent at a distance from  
44 a B-27 silhouette target, or an equivalent target, of seven yards.

45 3. A qualified firearms safety instructor shall not give a grade of passing to an applicant  
46 for a concealed carry endorsement who:

47 (1) Does not follow the orders of the qualified firearms instructor or cognizant range  
48 officer; or

49 (2) Handles a firearm in a manner that, in the judgment of the qualified firearm safety  
50 instructor, poses a danger to the applicant or to others; or

51 (3) During the live fire testing portion of the course fails to hit the silhouette portion of  
52 the targets with at least fifteen rounds, with both handguns.

53 4. Qualified firearms safety instructors who provide firearms safety instruction to any  
54 person who applies for a concealed carry endorsement shall:

55 (1) Make the applicant's course records available upon request to the sheriff of the  
56 county in which the applicant resides;

57 (2) Maintain all course records on students for a period of no less than four years from  
58 course completion date; and

59 (3) Not have more than forty students in the classroom portion of the course or more than  
60 five students per range officer engaged in range firing.

61 5. A firearms safety instructor shall be considered to be a qualified firearms safety  
62 instructor by any sheriff issuing a certificate of qualification for a concealed carry endorsement  
63 pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043** if the instructor:

64 (1) Is a valid firearms safety instructor certified by the National Rifle Association  
65 holding a rating as a personal protection instructor or pistol marksmanship instructor; or

66 (2) Submits a photocopy of a certificate from a firearms safety instructor's course offered  
67 by a local, state, or federal governmental agency; or

68 (3) Submits a photocopy of a certificate from a firearms safety instructor course  
69 approved by the department of public safety; or

70 (4) Has successfully completed a firearms safety instructor course given by or under the  
71 supervision of any state, county, municipal, or federal law enforcement agency; or

72 (5) Is a certified police officer firearms safety instructor.

[571.114.] **319.1037.** 1. In any case when the sheriff refuses to issue a certificate of election or to act on an application for such certificate, the denied applicant shall have the right to appeal the denial within thirty days of receiving written notice of the denial. Such appeals shall be heard in small claims court as defined in section 482.300, and the provisions of sections 482.300, 482.310 and 482.335 shall apply to such appeals.

SMALL CLAIMS COURT

18 Return Date .....

## CONCEALED CARRY ENDORSEMENT

4. If at the hearing the person shows he or she is entitled to the requested certificate of qualification for a concealed carry endorsement, the court shall issue an appropriate order to cause the issuance of the certificate of qualification for a concealed carry endorsement. Costs shall not be assessed against the sheriff unless the action of the sheriff is determined by the judge to be arbitrary and capricious.



[571.117.] **319.1040.** 1. Any person who has knowledge that another person, who was a certificate of qualification for a concealed carry endorsement pursuant to sections 01 to 571.121] **319.1025 to 319.1043**, never was or no longer is eligible for such endorsement under the criteria established in sections [571.101 to 571.121] **319.1025 to 43** may file a petition with the clerk of the small claims court to revoke that person's state of qualification for a concealed carry endorsement and such person's concealed carry endorsement. The petition shall be in a form substantially similar to the petition for revocation of a concealed carry endorsement provided in this section. Appeal forms shall be provided by the clerk of the small claims court free of charge to any person:

In the Circuit Court of ....., Missouri ....., PLAINTIFF

)

## Sheriff of Issuance

## OR CONCEALED CARRY ENDORSEMENT

THAT APPLIES TO THIS DEFENDANT)

- ☐ Defendant is not a citizen of the United States.

- 36 ☐ Defendant had not resided in this state prior to issuance of the permit and does not qualify as  
37 a military member or spouse of a military member stationed in Missouri.
- 38 ☐ Defendant has [pled guilty to or been convicted of a crime] **been found guilty of an offense**  
39 punishable by imprisonment for a term exceeding one year under the laws of any state or of the  
40 United States other than a crime classified as a misdemeanor under the laws of any state and  
41 punishable by a term of imprisonment of one year or less that does not involve an explosive  
42 weapon, firearm, firearm silencer, or gas gun.
- 43 ☐ Defendant has been [convicted of, pled guilty to or entered a plea of nolo contendere to]  
44 **found guilty of** one or more misdemeanor offenses involving crimes of violence within a  
45 five-year period immediately preceding application for a certificate of qualification or concealed  
46 carry endorsement issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043**,  
47 RSMo, or if the applicant has been convicted of two or more misdemeanor offenses involving  
48 driving while under the influence of intoxicating liquor or drugs or the possession or abuse of  
49 a controlled substance within a five-year period immediately preceding application for a  
50 certificate of qualification or a concealed carry endorsement issued pursuant to sections [571.101  
51 to 571.121] **319.1025 to 319.1043**, RSMo.
- 52 ☐ Defendant is a fugitive from justice or currently charged in an information or indictment with  
53 the commission of a crime punishable by imprisonment for a term exceeding one year under the  
54 laws of any state of the United States other than a crime classified as a misdemeanor under the  
55 laws of any state and punishable by a term of imprisonment of one year or less that does not  
56 involve an explosive weapon, firearm, firearm silencer, or gas gun.
- 57 ☐ Defendant has been discharged under dishonorable conditions from the United States armed  
58 forces.
- 59 ☐ Defendant is reasonably believed by the sheriff to be a danger to self or others based on  
60 previous, documented pattern.
- 61 ☐ Defendant is adjudged mentally incompetent at the time of application or for five years prior  
62 to application, or has been committed to a mental health facility, as defined in section 632.005,  
63 RSMo, or a similar institution located in another state, except that a person whose release or  
64 discharge from a facility in this state pursuant to chapter 632, RSMo, or a similar discharge from  
65 a facility in another state, occurred more than five years ago without subsequent recommitment  
66 may apply.
- 67 ☐ Defendant failed to submit a completed application for a certificate of qualification or  
68 concealed carry endorsement issued pursuant to sections [571.101 to 571.121] **319.1025 to**  
69 **319.1043**, RSMo.
- 70 ☐ Defendant failed to submit to or failed to clear the required background check.
- 71 ☐ Defendant failed to submit an affidavit attesting that the applicant complies with the  
72 concealed carry safety training requirement pursuant to subsection 1 of section [571.111] **1034**,  
73 RSMo.

74 The plaintiff subject to penalty for perjury states that the information contained in this petition  
75 is true and correct to the best of the plaintiff's knowledge, is reasonably based upon the  
76 petitioner's personal knowledge and is not primarily intended to harass the defendant/respondent  
77 named herein. ...., PLAINTIFF

78 2. If at the hearing the plaintiff shows that the defendant was not eligible for the  
79 certificate of qualification or the concealed carry endorsement issued pursuant to sections  
80 [571.101 to 571.121] **319.1025 to 319.1043**, at the time of issuance or renewal or is no longer  
81 eligible for a certificate of qualification or the concealed carry endorsement issued pursuant to  
82 the provisions of sections [571.101 to 571.121] **319.1025 to 319.1043**, the court shall issue an  
83 appropriate order to cause the revocation of the certificate of qualification or concealed carry  
84 endorsement. Costs shall not be assessed against the sheriff.

85 3. The finder of fact, in any action brought against an endorsement holder pursuant to  
86 subsection 1 of this section, shall make findings of fact and the court shall make conclusions of  
87 law addressing the issues at dispute. If it is determined that the plaintiff in such an action acted  
88 without justification or with malice or primarily with an intent to harass the endorsement holder  
89 or that there was no reasonable basis to bring the action, the court shall order the plaintiff to pay  
90 the defendant/respondent all reasonable costs incurred in defending the action including, but not  
91 limited to, attorney's fees, deposition costs, and lost wages. Once the court determines that the  
92 plaintiff is liable to the defendant/respondent for costs and fees, the extent and type of fees and  
93 costs to be awarded should be liberally calculated in defendant/respondent's favor.  
94 Notwithstanding any other provision of law, reasonable attorney's fees shall be presumed to be  
95 at least one hundred fifty dollars per hour.

96 4. Any person aggrieved by any final judgment rendered by a small claims court in a  
97 petition for revocation of a certificate of qualification or concealed carry endorsement may have  
98 a right to trial de novo as provided in sections 512.180 to 512.320.

99 5. The office of the county sheriff or any employee or agent of the county sheriff shall  
100 not be liable for damages in any civil action arising from alleged wrongful or improper granting,  
101 renewing, or failure to revoke a certificate of qualification or a concealed carry endorsement  
102 issued pursuant to sections [571.101 to 571.121] **319.1025 to 319.1043**, so long as the sheriff  
103 acted in good faith.

[571.121.] **319.1043.** 1. Any person issued a concealed carry endorsement pursuant to  
2 sections [571.101 to 571.121] **319.1025 to 319.1043** shall carry the concealed carry endorsement  
3 at all times the person is carrying a concealed firearm and shall display the concealed carry  
4 endorsement upon the request of any peace officer. Failure to comply with this subsection shall  
5 not be a criminal offense but the concealed carry endorsement holder may be issued a citation  
6 for an amount not to exceed thirty-five dollars.

7 2. Notwithstanding any other provisions of law, the director of revenue, by carrying out  
8 his or her requirement to issue a driver's or nondriver's license reflecting that a concealed carry

9 permit has been granted, shall bear no liability and shall be immune from any claims for damages  
10 resulting from any determination made regarding the qualification of any person for such permit  
11 or for any actions stemming from the conduct of any person issued such a permit. By issuing the  
12 permit on the driver's or nondriver's license, the director of revenue is merely acting as a  
13 scrivener for any determination made by the sheriff that the person is qualified for the permit.

320.089. 1. No person or other legal entity shall label personal protective equipment as  
2 meeting the standards set forth in subsection 2 of section 320.088 unless such equipment does  
3 in fact meet such standards.

4 2. Any person who violates the provisions of subsection 1 of this section is guilty of a  
5 class [D] E felony.

320.161. Any person violating any provision of sections 320.106 to 320.161 is guilty of  
2 a class A misdemeanor, except that a person violating section 320.136 is guilty of a class [C] D  
3 felony.

324.1142. Any person who knowingly falsifies the fingerprints or photographs or other  
2 information required to be submitted under sections 324.1100 to 324.1148 is guilty of a class [D]  
3 E felony; and any person who violates any of the other provisions of sections 324.1100 to  
4 324.1148 is guilty of a class A misdemeanor.

324.1148. Any person who violates sections 324.1100 to 324.1148 is guilty of a class  
2 A misdemeanor. Any second or subsequent violation of sections 324.1100 to 324.1148 is a class  
3 [D] E felony.

334.250. 1. Any person who violates section 334.010 shall, upon conviction, be  
2 adjudged guilty of a class [C] D felony for each and every offense; and treating each patient is  
3 considered a separate offense.

4 2. Any person filing or attempting to file as his own a license of another, or forged  
5 affidavit of identification, shall be guilty of a class [C] D felony and upon conviction thereof  
6 shall be subjected to such fine and imprisonment as is provided by the statutes of this state for  
7 the crime of forgery.

335.096. Any person who violates any of the provisions of chapter 335 is guilty of a  
2 class [D] E felony and, upon conviction, shall be punished as provided by law.

338.195. Any person, who is not licensed under this chapter, who violates any provision  
2 of sections 338.010 to 338.315 shall, upon conviction, be adjudged guilty of a class [C] D felony.

338.315. It shall be unlawful for any pharmacist, pharmacy owner or person employed  
2 by a pharmacy to knowingly purchase or receive any legend drugs under 21 U.S.C. Section 353  
3 from other than a licensed or registered drug distributor or licensed pharmacy. Any person who  
4 violates the provisions of this section shall, upon conviction, be adjudged guilty of a class A  
5 misdemeanor. Any subsequent conviction shall constitute a class [D] E felony.

338.370. Every person who violates any provision of sections 338.333, 338.337, and  
2 338.340 shall, upon conviction thereof, be adjudged guilty of a class [C] D felony.

[566.265.] **351.493.** If a corporation or other business [pleads guilty to or] is found guilty of violating section 566.203, 566.206, 566.209, [566.212, 566.213,] **566.210, 566.211,** or 566.215, in addition to the criminal penalties described in such sections and other remedies provided for by law, the court may:

- (1) Order its dissolution or reorganization;
- (2) Order the suspension or revocation of any license, permit, or prior approval granted to it by the state;
- (3) Order the surrender of its charter if it is organized under Missouri law or the revocation of its certificate to conduct business in Missouri if it is not organized under Missouri law.

354.320. No officer, enrollment representative or employee of any corporation subject to the provisions of sections 354.010 to 354.380, formed under the laws of this state, or doing business herein, shall, directly or indirectly, use or employ, or permit others to use or employ, any of the money, funds or securities of such corporation for private profit or gain, except for reasonable compensation for services performed and reimbursement for expenses incurred, and any such use shall, upon conviction thereof, be a class [D] **E** felony.

362.170. 1. As used in this section, the term "unimpaired capital" includes common and preferred stock, capital notes, the surplus fund, undivided profits and any reserves, not subject to known charges as shown on the next preceding published report of the bank or trust company to the director of finance or obtained by the director pursuant to subsection 3 of section 361.130. For purposes of lending limitations, goodwill may comprise no more than ten percent of unimpaired capital.

2. No bank or trust company subject to the provisions of this chapter shall:

- (1) Directly or indirectly, lend to any individual, partnership, corporation, limited liability company or body politic, either by means of letters of credit, by acceptance of drafts, or by discount or purchase of notes, bills of exchange, or other obligations of the individual, partnership, corporation, limited liability company or body politic an amount or amounts in the aggregate which will exceed the greater of: (i) twenty-five percent of the unimpaired capital of the bank or trust company, provided such bank or trust company has a composite rating of 1 or 2 under the Capital, Assets, Management, Earnings, Liquidity and Sensitivity (CAMELS) rating system of the Federal Financial Institute Examination Counsel (FFIEC); (ii) fifteen percent of the unimpaired capital of the bank or trust company if located in a city having a population of one hundred thousand or over; twenty percent of the unimpaired capital of the bank or trust company if located in a city having a population of less than one hundred thousand and over seven thousand; and twenty-five percent of the unimpaired capital of the bank or trust company if located elsewhere in the state, with the following exceptions:

- (a) The restrictions in this subdivision shall not apply to:

- 22           a. Bonds or other evidences of debt of the government of the United States or its  
23 territorial and insular possessions, or of the state of Missouri, or of any city, county, town,  
24 village, or political subdivision of this state;
- 25           b. Bonds or other evidences of debt, the issuance of which is authorized under the laws  
26 of the United States, and as to which the government of the United States has guaranteed or  
27 contracted to provide funds to pay both principal and interest;
- 28           c. Bonds or other evidences of debt of any state of the United States other than the state  
29 of Missouri, or of any county, city or school district of the foreign state, which county, city, or  
30 school district shall have a population of fifty thousand or more inhabitants, and which shall not  
31 have defaulted for more than one hundred twenty days in the payment of any of its general  
32 obligation bonds or other evidences of debt, either principal or interest, for a period of ten years  
33 prior to the time of purchase of the investment and provided that the bonds or other evidences  
34 of debt shall be a direct general obligation of the county, city, or school district;
- 35           d. Loans to the extent that they are insured or covered by guaranties or by commitments  
36 or agreements to take over or purchase made by any department, bureau, board, commission, or  
37 establishment of the United States or of the state of Missouri, including any corporation, wholly  
38 owned, directly or indirectly, by the United States or of the state of Missouri, pursuant to the  
39 authority of any act of Congress or the Missouri general assembly heretofore or hereafter adopted  
40 or amended or pursuant to the authority of any executive order of the President of the United  
41 States or the governor of Missouri heretofore or hereafter made or amended under the authority  
42 of any act of Congress heretofore or hereafter adopted or amended, and the part of the loan not  
43 so agreed to be purchased or discounted is within the restrictive provisions of this section;
- 44           e. Obligations to any bank or trust company in the form of notes of any person,  
45 copartnership, association, corporation or limited liability company, secured by not less than a  
46 like amount of direct obligations of the United States which will mature in not exceeding five  
47 years from the date the obligations to the bank are entered into;
- 48           f. Loans to the extent they are secured by a segregated deposit account in the lending  
49 bank if the lending bank has obtained a perfected security interest in such account;
- 50           g. Evidences of debt which are direct obligations of, or which are guaranteed by, the  
51 Government National Mortgage Association, the Federal National Mortgage Association, the  
52 Student Loan Marketing Association, the Federal Home Loan Banks, the Federal Farm Credit  
53 Bank or the Federal Home Loan Mortgage Corporation, or evidences of debt which are fully  
54 collateralized by direct obligations of, and which are issued by, the Government National  
55 Mortgage Association, the Federal National Mortgage Association, the Student Loan Marketing  
56 Association, a Federal Home Loan Bank, the Federal Farm Credit Bank or the Federal Home  
57 Loan Mortgage Corporation;
- 58           (b) The total liabilities to the bank or trust company of any individual, partnership,  
59 corporation or limited liability company may equal but not exceed thirty-five percent of the

60 unimpaired capital of the bank or trust company; provided, that all of the total liabilities in  
61 excess of the legal loan limit of the bank or trust company as defined in this subdivision are upon  
62 paper based upon the collateral security of warehouse receipts covering agricultural products or  
63 the manufactured or processed derivatives of agricultural products in public elevators and public  
64 warehouses subject to state supervision and regulation in this state or in any other state of the  
65 United States, under the following conditions: first, that the actual market value of the property  
66 held in store and covered by the receipt shall at all times exceed by at least fifteen percent the  
67 amount loaned upon it; and second, that the property covered by the receipts shall be insured to  
68 the full market value thereof against loss by fire and lightning, the insurance policies to be issued  
69 by corporations or individuals licensed to do business by the state in which the property is  
70 located, and when the insurance has been used to the limit that it can be secured, then in  
71 corporations or with individuals licensed to do an insurance business by the state or country of  
72 their incorporation or residence; and all policies covering property on which the loan is made  
73 shall have endorsed thereon, "loss, if any, payable to the holder of the warehouse receipts"; and  
74 provided further, that in arriving at the amount that may be loaned by any bank or trust company  
75 to any individual, partnership, corporation or limited liability company on elevator or warehouse  
76 receipts there shall be deducted from the thirty-five percent of its unimpaired capital the total of  
77 all other liabilities of the individual, partnership, corporation or limited liability company to the  
78 bank or trust company;

79 (c) In computing the total liabilities of any individual to a bank or trust company there  
80 shall be included all liabilities to the bank or trust company of any partnership of which the  
81 individual is a member, and any loans made for the individual's benefit or for the benefit of the  
82 partnership; of any partnership to a bank or trust company there shall be included all liabilities  
83 of and all loans made for the benefit of the partnership; of any corporation to a bank or trust  
84 company there shall be included all loans made for the benefit of the corporation and of any  
85 limited liability company to a bank or trust company there shall be included all loans made for  
86 the benefit of the limited liability company;

87 (d) The purchase or discount of drafts, or bills of exchange drawn in good faith against  
88 actually existing values, shall not be considered as money borrowed within the meaning of this  
89 section; and the purchase or discount of negotiable or nonnegotiable paper which carries the full  
90 recourse endorsements or guaranty or agreement to repurchase of the person, copartnership,  
91 association, corporation or limited liability company negotiating the same shall not be considered  
92 as money borrowed by the endorser or guarantor or the repurchaser within the meaning of this  
93 section, provided that the files of the bank or trust company acquiring the paper contain the  
94 written certification by an officer designated for this purpose by its board of directors that the  
95 responsibility of the makers has been evaluated and the acquiring bank or trust company is  
96 relying primarily upon the makers thereof for the payment of the paper;

97 (e) For the purpose of this section, a loan guaranteed by an individual who does not  
98 receive the proceeds of the loan shall not be considered a loan to the guarantor;

99 (f) Investments in mortgage-related securities, as described in the Secondary Mortgage  
100 Market Enhancement Act of 1984, P.L. 98-440, excluding those described in subparagraph g.  
101 of paragraph (a) of subdivision (1) of this subsection, shall be subject to the restrictions of this  
102 section, provided that a bank or trust company may invest up to two times its legal loan limit in  
103 any such securities that are rated in one of the two highest rating categories by at least one  
104 nationally recognized statistical rating organization;

105 (2) Nor shall any of its directors, officers, agents, or employees, directly or indirectly  
106 purchase or be interested in the purchase of any certificate of deposit, pass book, promissory  
107 note, or other evidence of debt issued by it, for less than the principal amount of the debt, without  
108 interest, for which it was issued. Every bank or trust company or person violating the provisions  
109 of this subdivision shall forfeit to the state the face value of the note or other evidence of debt  
110 so purchased;

111 (3) Make any loan or discount on the security of the shares of its own capital stock, or  
112 be the purchaser or holder of these shares, unless the security or purchase shall be necessary to  
113 prevent loss upon a debt previously contracted in good faith, and stock so purchased or acquired  
114 shall be sold at public or private sale, or otherwise disposed of, within six months from the time  
115 of its purchase or acquisition unless the time is extended by the finance director. Any bank or  
116 trust company violating any of the provisions of this subdivision shall forfeit to the state the  
117 amount of the loan or purchase;

118 (4) Knowingly lend, directly or indirectly, any money or property for the purpose of  
119 enabling any person to pay for or hold shares of its stock, unless the loan is made upon security  
120 having an ascertained or market value of at least fifteen percent more than the amount of the  
121 loan. Any bank or trust company violating the provision of this subdivision shall forfeit to the  
122 state the amount of the loan;

123 (5) Loans or other extensions of credit to officers and directors shall be in accordance  
124 with Federal Reserve Board Regulation O (12 CFR 215.1, et seq.). Every bank or trust company  
125 or officer thereof knowingly violating the provisions of this subdivision shall, for each offense,  
126 forfeit to the state the amount of the loan or extension of credit;

127 (6) Invest or keep invested in the stock of any private corporation, provided however,  
128 a bank or trust company may invest in equity stock in the Federal Home Loan Bank up to twice  
129 the limit described in subdivision (1) of this subsection and except as otherwise provided in this  
130 chapter.

131 3. Provided, that the provisions in this section shall not be so construed as in any way  
132 to interfere with the rules and regulations of any clearinghouse association in this state in  
133 reference to the daily balances; and provided, that this section shall not apply to balances due  
134 from any correspondent subject to draft.



135 4. Provided, that a trust company which does not accept demand deposits shall be  
136 permitted to make loans secured by a first mortgage or deed of trust on real estate to any  
137 individual, partnership, corporation or limited liability company, and to deal and invest in the  
138 interest-bearing obligations of any state, or any city, county, town, village, or political  
139 subdivision thereof, in an amount not to exceed its unimpaired capital, the loans on real estate  
140 not to exceed sixty-six and two-thirds percent of the appraised value of the real estate.

141 5. Any officer, director, agent, clerk, or employee of any bank or trust company who  
142 willfully and knowingly makes or concurs in making any loan, either directly or indirectly, to any  
143 individual, partnership, corporation or limited liability company or by means of letters of credit,  
144 by acceptance of drafts, or by discount or purchase of notes, bills of exchange or other obligation  
145 of any person, partnership, corporation or limited liability company, in excess of the amounts set  
146 out in this section, shall be deemed guilty of a class [C] D felony.

147 6. A trust company in existence on October 15, 1967, or a trust company incorporated  
148 thereafter which does not accept demand deposits, may invest in but shall not invest or keep  
149 invested in the stock of any private corporation an amount in excess of fifteen percent of the  
150 capital and surplus fund of the trust company; provided, however, that this limitation shall not  
151 apply to the ownership of the capital stock of a safe deposit company as provided in section  
152 362.105; nor to the ownership by a trust company in existence on October 15, 1967, or its  
153 stockholders of a part or all of the capital stock of one bank organized under the laws of the  
154 United States or of this state, nor to the ownership of a part or all of the capital of one  
155 corporation organized under the laws of this state for the principal purpose of receiving savings  
156 deposits or issuing debentures or loaning money on real estate or dealing in or guaranteeing the  
157 payment of real estate securities, or investing in other securities in which trust companies may  
158 invest under this chapter; nor to the continued ownership of stocks lawfully acquired prior to  
159 January 1, 1915, and the prohibition for investments in this subsection shall not apply to  
160 investments otherwise provided by law other than subdivision (4) of subsection 3 of section  
161 362.105.

162 7. Any bank or trust company to which the provisions of subsection 2 of this section  
163 apply may continue to make loans pursuant to the provisions of subsection 2 of this section for  
164 up to five years after the appropriate decennial census indicates that the population of the city  
165 in which such bank or trust company is located has exceeded the limits provided in subsection  
166 2 of this section.

367.031. 1. At the time of making any secured personal credit loan, the lender shall  
2 execute and deliver to the borrower a receipt for and describing the tangible personal property  
3 subjected to the security interest to secure the payment of the loan. The receipt shall contain the  
4 following:

5 (1) The name and address of the pawnshop;

6 (2) The name and address of the pledgor, the pledgor's description, and the driver's  
7 license number, military identification number, identification certificate number, or other official  
8 number capable of identifying the pledgor;

9 (3) The date of the transaction;

10 (4) An identification and description of the pledged goods, including serial numbers if  
11 reasonably available;

12 (5) The amount of cash advanced or credit extended to the pledgor;

13 (6) The amount of the pawn service charge;

14 (7) The total amount which must be paid to redeem the pledged goods on the maturity  
15 date;

16 (8) The maturity date of the pawn transaction; and

17 (9) A statement to the effect that the pledgor is not obligated to redeem the pledged  
18 goods, and that the pledged goods may be forfeited to the pawnbroker sixty days after the  
19 specified maturity date.

20 2. The pawnbroker may be required, in accordance with local ordinances, to furnish  
21 appropriate law enforcement authorities with copies of information contained in subdivisions (1)  
22 to (4) of subsection 1 of this section and information contained in subdivision (6) of subsection  
23 4 of section 367.040. The pawnbroker may satisfy such requirements by transmitting such  
24 information electronically to a database in accordance with this section, except that paper copies  
25 shall be made available for an on-site inspection upon request of any appropriate law  
26 enforcement authority.

27 3. As used in this section, the following terms mean: (1) "Database", a computer  
28 database established and maintained by a third party engaged in the business of establishing and  
29 maintaining one or more databases; (2) "Permitted user", persons authorized by law enforcement  
30 personnel to access the database; (3) "Reportable data", the information required to be recorded  
31 by pawnbrokers for pawn transactions pursuant to subdivisions (1) to (4) of subsection 1 of this  
32 section and the information required to be recorded by pawnbrokers for purchase transactions  
33 pursuant to subdivision (6) of subsection 4 of section 367.040; (4) "Reporting pawnbroker", a  
34 pawnbroker who chooses to transmit reportable data electronically to the database; (5) "Search",  
35 the accessing of a single database record.

36 4. The database shall provide appropriate law enforcement officials with the information  
37 contained in subdivisions (1) to (4) of subsection 1 of this section and other useful information  
38 to facilitate the investigation of alleged property crimes while protecting the privacy rights of  
39 pawnbrokers and pawnshop customers with regard to their transactions.

40 5. The database shall contain the pawn and purchase transaction information recorded  
41 by reporting pawnbrokers pursuant to this section and section 367.040 and shall be updated as  
42 requested. The database shall also contain such security features and protections as may be

43 necessary to ensure that the reportable data maintained in the database can only be accessed by  
44 permitted users in accordance with the provisions of this section.

45         6. The third party's charge for the database shall be based on the number of permitted  
46 users. Law enforcement agencies shall be charged directly for access to the database, and the  
47 charge shall be reasonable in relation to the costs of the third party in establishing and  
48 maintaining the database. No reporting pawnbroker or customer of a reporting pawnbroker shall  
49 be charged any costs for the creation or utilization of the database.

50         7. (1) The information in the database shall only be accessible through the Internet to  
51 permitted users who have provided a secure identification or access code to the database but shall  
52 allow such permitted users to access database information from any jurisdiction transmitting  
53 such information to that database. Such permitted users shall provide the database with an  
54 identifier number of a criminal action for which the identity of the pawn or purchase transaction  
55 customer is needed and a representation that the information is connected to an inquiry or to the  
56 investigation of a complaint or alleged crime involving goods delivered by that customer in that  
57 transaction. The database shall record, for each search, the identity of the permitted user, the  
58 pawn or purchase transaction involved in the search, and the identity of any customer accessed  
59 through the search. Each search record shall be made available to other permitted users  
60 regardless of their jurisdiction. The database shall enable reporting pawnbrokers to transmit to  
61 the database through the Internet reportable data for each pawn and purchase transaction.

62         (2) Any person who gains access to information in the database through fraud or false  
63 pretenses shall be guilty of a class [C] **D** felony.

64         8. Any pawnbroker licensed under section 367.043 shall meet the following  
65 requirements:

66         (1) Provide all reportable data to appropriate users by transmitting it through the Internet  
67 to the database;

68         (2) Transmit all reportable data for one business day to the database prior to the end of  
69 the following business day;

70         (3) Make available for on-site inspection to any appropriate law enforcement official,  
71 upon request, paper copies of any pawn or purchase transaction documents.

72         9. If a reporting pawnbroker or permitted user discovers any error in the reportable data,  
73 notice of such error shall be given to the database, which shall have a period of thirty days in  
74 which to correct the error. Any reporting pawnbroker experiencing a computer malfunction  
75 preventing the transmission of reportable data or receipt of search requests shall be allowed a  
76 period of at least thirty but no more than sixty days to repair such malfunction, and during such  
77 period such pawnbroker shall not be deemed to be in violation of this section if good faith efforts  
78 are made to correct the malfunction. During the periods specified in this subsection, the  
79 reporting pawnbroker and permitted user shall arrange an alternative method or methods by  
80 which the reportable data shall be made available.

81           10. No reporting pawnbroker shall be obligated to incur any cost, other than Internet  
82 service costs, in preparing, converting, or delivering its reportable data to the database.

83           11. If the pawn ticket is lost, destroyed, or stolen, the pledgor may so notify the  
84 pawnbroker in writing, and receipt of such notice shall invalidate such pawn ticket, if the pledged  
85 goods have not previously been redeemed. Before delivering the pledged goods or issuing a new  
86 pawn ticket, the pawnbroker shall require the pledgor to make a written affidavit of the loss,  
87 destruction or theft of the ticket. The pawnbroker shall record on the written statement the  
88 identifying information required, the date the statement is given, and the number of the pawn  
89 ticket lost, destroyed, or stolen. The affidavit shall be signed by a notary public appointed by the  
90 secretary of state pursuant to section 486.205 to perform notarial acts in this state.

          367.045. 1. When the tangible personal property subject to the pawn or sales transaction  
2 has been delivered or awarded to a claimant pursuant to section 367.044, and within ten business  
3 days after a written demand for payment and notice is deposited by the pawnbroker as certified  
4 or registered mail in the United States mail and addressed to the conveying customer, the  
5 conveying customer fails to repay the pawnbroker the full amount incurred by the pawnbroker  
6 in connection with such property and the procedure described in section 367.044, the conveying  
7 customer shall have committed the crime of fraudulently pledging or selling misappropriated  
8 property.

9           2. Fraudulently pledging or selling property is a class B misdemeanor if the amount  
10 received by the conveying customer from the pawnbroker was less than fifty dollars.  
11 Fraudulently pledging or selling property is a class A misdemeanor if the amount received by the  
12 conveying customer from the pawnbroker was more than fifty dollars and less than one hundred  
13 fifty dollars. Fraudulently pledging or selling property is a class [C] **D** felony if the amount  
14 received by the conveying customer from the pawnbroker was one hundred fifty dollars or more.

          374.210. 1. It is unlawful for any person in any investigation, examination, inquiry, or  
2 other proceeding under this chapter, chapter 354, and chapters 375 to 385, to:

3           (1) Knowingly make or cause to be made a false statement upon oath or affirmation or  
4 in any record that is submitted to the director or used in any proceeding under this chapter,  
5 chapter 354, and chapters 375 to 385; or

6           (2) Make any false certificate or entry or memorandum upon any of the books or papers  
7 of any insurance company, or upon any statement or exhibit offered, filed or offered to be filed  
8 in the department, or used in the course of any examination, inquiry, or investigation under this  
9 chapter, chapter 354 and chapters 375 to 385.

10          2. If a person does not appear or refuses to testify, file a statement, produce records, or  
11 otherwise does not obey a subpoena as required by the director, the director may apply to the  
12 circuit court of any county of the state or any city not within a county, or a court of another state  
13 to enforce compliance. The court may:

14          (1) Hold the person in contempt;

15           (2) Order the person to appear before the director;  
16           (3) Order the person to testify about the matter under investigation or in question;  
17           (4) Order the production of records;  
18           (5) Grant injunctive relief;  
19           (6) Impose a civil penalty of up to fifty thousand dollars for each violation; and  
20           (7) Grant any other necessary or appropriate relief. The director may also suspend,  
21 revoke or refuse any license or certificate of authority issued by the director to any person who  
22 does not appear or refuses to testify, file a statement, produce records, or does not obey a  
23 subpoena.

24           3. This section does not preclude a person from applying to the circuit court of any  
25 county of the state or any city not within a county for relief from a request to appear, testify, file  
26 a statement, produce records, or obey a subpoena.

27           4. A person is not excused from attending, testifying, filing a statement, producing a  
28 record or other evidence, or obeying a subpoena of the director under an action or proceeding  
29 instituted by the director on the grounds that the required testimony, statement, record, or other  
30 evidence, directly or indirectly, may tend to incriminate the individual or subject the individual  
31 to a criminal fine, penalty, or forfeiture. If the person refuses to testify, file a statement, or  
32 produce a record or other evidence on the basis of the individual's privilege against  
33 self-incrimination, the director may apply to the circuit court of any county of the state or any  
34 city not within a county to compel the testimony, the filing of the statement, the production of  
35 the record, or the giving of other evidence. The testimony, record, or other evidence compelled  
36 under such an order may not be used as evidence against the person in a criminal case, except  
37 in a prosecution for perjury or contempt or otherwise failing to comply with the order.

38           5. If the director determines that a person has engaged, is engaging in, or has taken a  
39 substantial step toward engaging in an act, practice or course of business constituting a violation  
40 of this section, or a rule adopted or order issued pursuant thereto, or that a person has materially  
41 aided or is materially aiding an act, practice, omission, or course of business constituting a  
42 violation of this section or a rule adopted or order issued pursuant thereto, the director may issue  
43 such administrative orders as authorized under section 374.046. A violation of subsection 1 of  
44 this section is a level four violation under section 374.049. The director may also suspend or  
45 revoke the license or certificate of authority of such person for any willful violation.

46           6. If the director believes that a person has engaged, is engaging in, or has taken a  
47 substantial step toward engaging in an act, practice or course of business constituting a violation  
48 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially  
49 aided or is materially aiding an act, practice, omission, or course of business constituting a  
50 violation of this section or a rule adopted or order issued pursuant thereto, the director may  
51 maintain a civil action for relief authorized under section 374.048. A violation of subsection 1  
52 of this section is a level four violation under section 374.049.

53           7. Any person who knowingly engages in any act, practice, omission, or course of  
54 business in violation of subsection 1 of this section is guilty of a class [D] E felony. If the  
55 offender holds a license or certificate of authority under the insurance laws of this state, the court  
56 imposing sentence shall order the department to revoke such license or certificate of authority.

57           8. The director may refer such evidence as is available concerning violations of this  
58 section to the proper prosecuting attorney, who with or without a criminal reference, or the  
59 attorney general under section 27.030, may institute the appropriate criminal proceedings.

60           9. Nothing in this section shall limit the power of the state to punish any person for any  
61 conduct that constitutes a crime under any other state statute.

374.216. 1. A person commits the crime of filing a false insurance statement if he  
2 prepares, makes, submits or files a financial report or statement with the department of insurance,  
3 financial institutions and professional registration with the purpose to misrepresent the financial  
4 condition of the company in whose behalf such report or statement is prepared, made, submitted  
5 or filed. The crime shall require no mental state other than that specifically provided herein.

6           2. The crime of filing a false insurance statement is a class [C] D felony.

374.702. 1. No person shall engage in the bail bond business as a bail bond agent or a  
2 general bail bond agent without being licensed as provided in sections 374.695 to 374.775.

3           2. No judge, attorney, court official, law enforcement officer, state, county, or municipal  
4 employee who is either elected or appointed shall be licensed as a bail bond agent or a general  
5 bail bond agent.

6           3. A licensed bail bond agent shall not execute or issue an appearance bond in this state  
7 without holding a valid appointment from a general bail bond agent and without attaching to the  
8 appearance bond an executed and prenumbered power of attorney referencing the general bail  
9 bond agent or insurer.

10          4. A person licensed as an active bail bond agent shall hold the license for at least two  
11 years prior to owning or being an officer of a licensed general bail bond agent.

12          5. A general bail bond agent shall not engage in the bail bond business:

13           (1) Without having been licensed as a general bail bond agent pursuant to sections  
14 374.695 to 374.775; or

15           (2) Except through an agent licensed as a bail bond agent pursuant to sections 374.695  
16 to 374.775.

17          6. A general bail bond agent shall not permit any unlicensed person to solicit or engage  
18 in the bail bond business on the general bail bond agent's behalf, except for individuals who are  
19 employed solely for the performance of clerical, stenographic, investigative, or other  
20 administrative duties which do not require a license pursuant to sections 374.695 to 374.789.

21          7. Any person who is convicted of a violation of this section is guilty of a class A  
22 misdemeanor. For any subsequent convictions, a person who is convicted of a violation of this  
23 section is guilty of a class [D] E felony.

374.757. 1. Any agent licensed by sections 374.695 to 374.775 who intends to apprehend any person in this state shall inform law enforcement authorities in the city or county in which such agent intends such apprehension, before attempting such apprehension. Such agent shall present to the local law enforcement authorities a certified copy of the bond and all other appropriate paperwork identifying the principal and the person to be apprehended. Local law enforcement may accompany the agent. Failure of any agent to whom this section applies to comply with the provisions of this section shall be a class A misdemeanor for the first violation and a class [D] E felony for subsequent violations; and shall also be a violation of section 374.755 and may in addition be punished pursuant to that section.

2. The surety recovery agent shall inform the local law enforcement in the county or city where such agent is planning to enter a residence. Such agent shall have a certified copy of the bond and all appropriate paperwork to identify the principal. Local law enforcement, when notified, may accompany the surety recovery agent to that location to keep the peace if an active warrant is effective for a felony or misdemeanor. If a warrant is not active, the local law enforcement officers may accompany the surety recovery agent to such location. Failure to report to the local law enforcement agency is a class A misdemeanor. For any subsequent violations, failure to report to the local law enforcement agency is a class [D] E felony.

374.789. 1. A person is guilty of a class [D] E felony if he or she does not hold a valid surety recovery agent license or a bail bond license and commits any of the following acts:

- (1) Holds himself or herself out to be a licensed surety recovery agent within this state;
- (2) Claims that he or she can render surety recovery agent services; or
- (3) Engages in fugitive recovery in this state.

2. Any person who engages in fugitive recovery in this state and wrongfully causes damage to any person or property, including, but not limited to, unlawful apprehension, unlawful detainment, or assault, shall be liable for such damages and may be liable for punitive damages.

375.310. 1. It is unlawful for any person, association of individuals, or any corporation to transact in this state any insurance business unless the person, association, or corporation is duly authorized by the director under a certificate of authority or appropriate licensure, or is an insurance company exempt from certification under section 375.786.

2. If the director determines that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, or that a person has materially aided or is materially aiding an act, practice, omission, or course of business constituting a violation of this section or a rule adopted or order issued pursuant thereto, the director may issue such administrative orders as authorized under section 374.046. A violation of this section is a level four violation under section 374.049.

3. If the director believes that a person has engaged, is engaging in, or has taken a substantial step toward engaging in an act, practice or course of business constituting a violation

14 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially  
15 aided or is materially aiding an act, practice, omission, or course of business constituting a  
16 violation of this section or a rule adopted or order issued pursuant thereto, the director may  
17 maintain a civil action for relief authorized under section 374.048. A violation of this section  
18 is a level four violation under section 374.049.

19 4. Any person who knowingly engages in any act, practice, omission, or course of  
20 business in violation of this section is guilty of a class [D] E felony.

21 5. The director may refer such evidence as is available concerning violations of this  
22 chapter to the proper prosecuting attorney, who with or without a criminal reference, or the  
23 attorney general under section 27.030, may institute the appropriate criminal proceedings.

24 6. Nothing in this section shall limit the power of the state to punish any person for any  
25 conduct that constitutes a crime under any other state statute.

375.537. 1. As used in this section, the following terms mean:

2 (1) "Chief executive officer", the person, irrespective of his title, designated by the board  
3 of directors or trustees of an insurer as the person charged with the responsibility of  
4 administering and implementing the insurer's policies and procedures;

5 (2) "Director", the director of the department of insurance, financial institutions and  
6 professional registration;

7 (3) "Impaired", a financial situation in which the assets of an insurer are less than the  
8 sum of the insurer's minimum required capital, minimum required surplus and all liabilities as  
9 determined in accordance with the requirements for the preparation and filing of the annual  
10 statement of an insurer;

11 (4) "Insurer", any insurance company or other insurer licensed to do business in this  
12 state.

13 2. Whenever an insurer is impaired, its chief executive officer shall immediately notify  
14 the director in writing of such impairment and shall also immediately notify in writing all of the  
15 board of directors or trustees of the insurer.

16 3. Any officer, director or trustee of an insurer shall notify the person serving as chief  
17 executive officer of the impairment of such insurer in the event such officer, director or trustee  
18 knows or has reason to know that the insurer is impaired.

19 4. Any person who knowingly or recklessly violates subsection 2 or 3 of this section  
20 shall, upon conviction thereof, be fined not more than fifty thousand dollars or be imprisoned  
21 for not more than one year, or both. Any person who knowingly does any of the following shall  
22 be guilty of a class [D] E felony:

23 (1) Conceals any property belonging to an insurer;

24 (2) Transfers or conceals in contemplation of a state insolvency proceeding his own  
25 property or property belonging to an insurer;



26 (3) Conceals, destroys, mutilates, alters or makes a false entry in any document which  
27 affects or relates to the property of an insurer or withholds any such document from a receiver,  
28 trustee or other officer of a court entitled to its possession;

29 (4) Gives, obtains or receives a thing of value for acting or forbearing to act in any court  
30 proceedings; and any such act or acts results in or contributes to an insurer's becoming impaired  
31 or insolvent.

375.720. 1. Whenever, by this chapter, or by any other law of this state, the director is  
2 authorized or required to take possession of any of the general assets of any insurer, it is unlawful  
3 for any person or company to knowingly neglect or refuse to deliver to the director, on order or  
4 demand of the director, any books, papers, evidences of title or debt, or any property belonging  
5 to any such insurer in its, his or their possession, or under his, its or their control.

6 2. If the director determines that a person has engaged, is engaging in, or has taken a  
7 substantial step toward engaging in an act, practice or course of business constituting a violation  
8 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially  
9 aided or is materially aiding an act, practice, omission, or course of business constituting a  
10 violation of this section or a rule adopted or order issued pursuant thereto, the director may issue  
11 such administrative orders as authorized under section 374.046. A violation of this section is a  
12 level three violation under section 374.049. The director may also suspend or revoke the license  
13 or certificate of authority of such person for any willful violation.

14 3. If the director believes that a person has engaged, is engaging in, or has taken a  
15 substantial step toward engaging in an act, practice or course of business constituting a violation  
16 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially  
17 aided or is materially aiding an act, practice, omission, or course of business constituting a  
18 violation of this section or a rule adopted or order issued pursuant thereto, the director may  
19 maintain a civil action for relief authorized under section 374.048. A violation of this section  
20 is a level three violation under section 374.049.

21 4. Any person who knowingly engages in any act, practice, omission, or course of  
22 business in violation of this section is guilty of a class [C] **D** felony. If the offender holds a  
23 license or certificate of authority under the insurance laws of this state, the court imposing  
24 sentence shall order the director to revoke such license.

25 5. The director may refer such evidence as is available concerning violations of this  
26 section to the proper prosecuting attorney, who with or without a criminal reference, or the  
27 attorney general under section 27.030, may institute the appropriate criminal proceedings.

28 6. Nothing in this section shall limit the power of the state to punish any person for any  
29 conduct that constitutes a crime under any other state statute.

375.786. 1. It is unlawful for any insurance company to transact insurance business in  
2 this state, as set forth in subsection 2, without a certificate of authority from the director;  
3 provided, however, that this section shall not apply to:

- 4 (1) The lawful transaction of insurance as provided in chapter 384;
- 5 (2) The lawful transaction of reinsurance by insurance companies;
- 6 (3) Transactions in this state involving a policy lawfully solicited, written and delivered  
7 outside of this state covering only subjects of insurance not resident, located or expressly to be  
8 performed in this state at the time of issuance, and which transactions are subsequent to the  
9 issuance of such policy;
- 10 (4) Attorneys acting in the ordinary relation of attorney and client in the adjustment of  
11 claims or losses;
- 12 (5) Transactions in this state involving group life and group sickness and accident or  
13 blanket sickness and accident insurance or group annuities where the master policy of such  
14 groups was lawfully issued and delivered in and pursuant to the laws of a state in which the  
15 insurance company was authorized to do an insurance business, to a group organized for  
16 purposes other than the procurement of insurance, and where the policyholder is domiciled or  
17 otherwise has a bona fide situs;
- 18 (6) Transactions in this state involving any policy of insurance or annuity contract issued  
19 prior to August 13, 1972;
- 20 (7) Transactions in this state relative to a policy issued or to be issued outside this state  
21 involving insurance on vessels, craft or hulls, cargoes, marine builder's risk, marine protection  
22 and indemnity or other risk, including strikes and war risks commonly insured under ocean or  
23 wet marine forms of policy;
- 24 (8) Except as provided in chapter 384, transactions in this state involving contracts of  
25 insurance issued to one or more industrial insureds; provided that nothing herein shall relieve an  
26 industrial insured from taxation imposed upon independently procured insurance. An "industrial  
27 insured" is hereby defined as an insured:
- 28 (a) Which procures the insurance of any risk or risks other than life, health and annuity  
29 contracts by use of the services of a full-time employee acting as an insurance manager or buyer  
30 or the services of an insurance producer whose services are wholly compensated by such insured  
31 and not by the insurer;
- 32 (b) Whose aggregate annual premiums for insurance excluding workers' compensation  
33 insurance premiums total at least one hundred thousand dollars; and
- 34 (c) Which has at least twenty-five full-time employees;
- 35 (9) Transactions in this state involving life insurance, health insurance or annuities  
36 provided to educational or religious or charitable institutions organized and operated without  
37 profit to any private shareholder or individual for the benefit of such institutions and individuals  
38 engaged in the service of such institutions, provided that any company issuing such contracts  
39 under this paragraph shall:
- 40 (a) File a copy of any policy or contract issued to Missouri residents with the director;

41 (b) File a copy of its annual statement prepared pursuant to the laws of its state of  
42 domicile, as well as such other financial material as may be requested, with the director; and

43 (c) Provide, in such form as may be acceptable to the director, for the appointment of the  
44 director as its true and lawful attorney upon whom may be served all lawful process in any action  
45 or proceeding against such company arising out of any policy or contract it has issued to, or  
46 which is currently held by, a Missouri citizen, and process so served against such company shall  
47 have the same form and validity as if served upon the company;

48 (10) Transactions in this state involving accident, health, personal effects, liability or any  
49 other travel or auto-related products or coverages provided or sold by a rental company after  
50 January 1, 1994, to a renter in connection with and incidental to the rental of motor vehicles.

51 2. Any of the following acts in this state effected by mail or otherwise by or on behalf  
52 of an unauthorized insurance company is deemed to constitute the transaction of an insurance  
53 business in this state: (The venue of an act committed by mail is at the point where the matter  
54 transmitted by mail is delivered and takes effect. Unless otherwise indicated, the term "insurance  
55 company" as used in sections 375.786 to 375.790 includes all corporations, associations,  
56 partnerships and individuals engaged as principals in the business of insurance and also includes  
57 interinsurance exchanges and mutual benefit societies.)

58 (1) The making of or proposing to make an insurance contract;

59 (2) The making of or proposing to make, as guarantor or surety, any contract of guaranty  
60 or suretyship as a vocation and not merely incidental to any other legitimate business or activity  
61 of the guarantor or surety;

62 (3) The taking or receiving of any application for insurance;

63 (4) The receiving or collection of any premium, commission, membership fees,  
64 assessments, dues or other consideration for any insurance or any part thereof;

65 (5) The issuance or delivery of contracts of insurance to residents of this state or to  
66 persons authorized to do business in this state;

67 (6) Directly or indirectly acting as an agent for or otherwise representing or aiding on  
68 behalf of another any person or insurance company in the solicitation, negotiation, procurement  
69 or effectuation of insurance or renewals thereof or in the dissemination of information as to  
70 coverage or rates, or forwarding of applications, or delivery of policies or contracts, or inspection  
71 of risks, a fixing of rates or investigation or adjustment of claims or losses or in the transaction  
72 of matters subsequent to effectuation of the contract and arising out of it, or in any other manner  
73 representing or assisting a person or insurance company in the transaction of insurance with  
74 respect to subjects of insurance resident, located or to be performed in this state. The provisions  
75 of this subsection shall not operate to prohibit full-time salaried employees of a corporate insured  
76 from acting in the capacity of an insurance manager or buyer in placing insurance in behalf of  
77 such employer;

78 (7) The transaction of any kind of insurance business specifically recognized as  
79 transacting an insurance business within the meaning of the statutes relating to insurance;

80 (8) The transacting or proposing to transact any insurance business in substance  
81 equivalent to any of the foregoing in a manner designed to evade the provisions of the statutes.

82 3. (1) The failure of an insurance company transacting insurance business in this state  
83 to obtain a certificate of authority shall not impair the validity of any act or contract of such  
84 insurance company and shall not prevent such insurance company from defending any action at  
85 law or suit in equity in any court of this state, but no insurance company transacting insurance  
86 business in this state without a certificate of authority shall be permitted to maintain an action  
87 in any court of this state to enforce any right, claim or demand arising out of the transaction of  
88 such business until such insurance company shall have obtained a certificate of authority.

89 (2) In the event of failure of any such unauthorized insurance company to pay any claim  
90 or loss within the provisions of such insurance contract, any person who assisted or in any  
91 manner aided directly or indirectly in the procurement of such insurance contract shall be liable  
92 to the insured for the full amount of the claim or loss in the manner provided by the provisions  
93 of such insurance contract.

94 4. If the director determines that a person has engaged, is engaging in, or has taken a  
95 substantial step toward engaging in an act, practice or course of business constituting a violation  
96 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially  
97 aided or is materially aiding an act, practice, omission, or course of business constituting a  
98 violation of this section or a rule adopted or order issued pursuant thereto, the director may issue  
99 such administrative orders as authorized under section 374.046. A violation of this section is a  
100 level four violation under section 374.049.

101 5. If the director believes that a person has engaged, is engaging in, or has taken a  
102 substantial step toward engaging in an act, practice or course of business constituting a violation  
103 of this section or a rule adopted or order issued pursuant thereto, or that a person has materially  
104 aided or is materially aiding an act, practice, omission, or course of business constituting a  
105 violation of this section or a rule adopted or order issued pursuant thereto, the director may  
106 maintain a civil action for relief authorized under section 374.048. A violation of this section  
107 is a level four violation under section 374.049.

108 6. Any person who transacts insurance business without a certificate of authority, as  
109 provided in this section, is guilty of a class [C] **D** felony.

110 7. The director may refer such evidence as is available concerning violations of this  
111 chapter to the proper prosecuting attorney, who with or without a criminal reference, or the  
112 attorney general under section 27.030, may institute the appropriate criminal proceedings.

113 8. Nothing in this section shall limit the power of the state to punish any person for any  
114 conduct that constitutes a crime in any other state statute.

375.991. 1. As used in sections 375.991 to 375.994, the term "statement" means any communication, notice statement, proof of loss, bill of lading, receipt for payment, invoice, account, estimate of damages, bills for services, diagnosis, prescription, hospital or doctor records, x-rays, test results or other evidence of loss, injury or expense.

2. For the purposes of sections 375.991 to 375.994, a person commits a "fraudulent insurance act" if such person knowingly presents, causes to be presented, or prepares with knowledge or belief that it will be presented, to or by an insurer, purported insurer, broker, or any agent thereof, any oral or written statement including computer generated documents as part of, or in support of, an application for the issuance of, or the rating of, an insurance policy for commercial or personal insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance, which such person knows to contain materially false information concerning any fact material thereto or if such person conceals, for the purpose of misleading another, information concerning any fact material thereto.

3. A "fraudulent insurance act" shall also include but not be limited to knowingly filing false insurance claims with an insurer, health services corporation, or health maintenance organization by engaging in any one or more of the following false billing practices: (1) "Unbundling", an insurance claim by claiming a number of medical procedures were performed instead of a single comprehensive procedure; (2) "Upcoding", an insurance claim by claiming that a more serious or extensive procedure was performed than was actually performed; (3) "Exploding", an insurance claim by claiming a series of tests was performed on a single sample of blood, urine, or other bodily fluid, when actually the series of tests was part of one battery of tests; or (4) "Duplicating", a medical, hospital or rehabilitative insurance claim made by a health care provider by resubmitting the claim through another health care provider in which the original health care provider has an ownership interest. Nothing in sections 375.991 to 375.994 shall prohibit providers from making good faith efforts to ensure that claims for reimbursement are coded to reflect the proper diagnosis and treatment.

4. If, by its own inquiries or as a result of complaints, the department of insurance, financial institutions and professional registration has reason to believe that a person has engaged in, or is engaging in, any fraudulent insurance act or has violated any provision of chapters 375 to 385, it may administer oaths and affirmations, serve subpoenas ordering the attendance of witnesses or proffering of matter, and collect evidence. The director may refer such evidence as is available concerning violations of this chapter to the proper prosecuting attorney or circuit attorney who may, with or without such reference, initiate the appropriate criminal proceedings.

5. If the matter that the department of insurance, financial institutions and professional registration seeks to obtain by request is located outside the state, the person so requested may make it available to the department or its representative to examine the matter at the place where it is located. The department may designate representatives, including officials of the state in

38 which the matter is located, to inspect the matter on its behalf, and it may respond to similar  
39 requests from officials of other states.

40 6. A fraudulent insurance act for a first offense is a class [D] E felony. Any person who  
41 pleads guilty to or is found guilty of a fraudulent insurance act who has previously pled guilty  
42 to or has been found guilty of a fraudulent insurance act shall be guilty of a class [C] D felony.

43 7. Any person who pleads guilty or is found guilty of a fraudulent insurance act shall be  
44 ordered by the court to make restitution to any person or insurer for any financial loss sustained  
45 as a result of such violation. The court shall determine the extent and method of restitution.

46 8. Nothing in this section shall limit the power of the state to punish any person for any  
47 conduct that constitutes a crime by any other state statute.

375.1176. 1. An order to liquidate the business of a domestic insurer shall appoint the  
2 director and his successors as liquidator and shall direct the liquidator forthwith to take  
3 immediate possession of the assets of the insurer and to administer them subject to the  
4 supervision of the court until the liquidator is discharged by the court. The liquidation of any  
5 insurer shall be considered to be the business of insurance for purposes of application of any law  
6 of this state. The liquidator shall be vested by operation of law with the title to all of the  
7 property, contracts and rights of action, and all of the books and records of the insurer ordered  
8 liquidated, wherever located, as of the entry of the order of liquidation. The order shall require  
9 the liquidator to take immediate possession of and to secure all of the records and property of the  
10 insurer wherever it is located, and to take all measures necessary to preserve the integrity of the  
11 insurer's records. The filing or recording of the order with the clerk of the court and the recorder  
12 of deeds of the county in which its principal office or place of business is located or, in the case  
13 of real estate, with the recorder of deeds of the county where the property is located, shall impart  
14 the same notice as a deed, bill of sale or other evidence of title duly filed or recorded with that  
15 recorder of deeds would have imparted.

16 2. With the approval of the court, the director as liquidator may appoint a special deputy  
17 or deputies to act for him under sections 375.1175 to 375.1230. The special deputy shall not be  
18 an employee of the department of insurance, financial institutions and professional registration.  
19 The special deputy shall have all powers of the liquidator granted by sections 375.1175 to  
20 375.1230. The special deputy shall administer and liquidate the insolvent insurer subject to the  
21 general supervision of the director and the specific supervision of the court as provided in  
22 sections 375.1175 to 375.1230.

23 3. Upon issuance of the order of liquidation, the rights and liabilities of any such insurer  
24 and of its creditors, policyholders, shareholders, members and any other persons interested in its  
25 estate shall become fixed and the termination of any period fixed by any statute of limitations  
26 provided by law shall be suspended as of the date of entry of the order of liquidation, except as  
27 provided in sections 375.1178, 375.1206 and 375.1210. Rights of shareholders provided by any

28 law other than as provided by sections 375.1150 to 375.1246 shall be suspended upon issuance  
29 of the order of liquidation.

30 4. An order to liquidate the business of an alien insurer domiciled in this state shall be  
31 in the same terms and have the same legal effect as an order to liquidate a domestic insurer,  
32 except that the assets and the business in the United States shall be the only assets and business  
33 included therein.

34 5. At the time of petitioning for an order of liquidation, or at any time thereafter, the  
35 director, after making determination of an insurer's insolvency, may petition the court for a  
36 judicial declaration of such insolvency. After providing such notice and hearing as it deems  
37 proper, the court may make the declaration.

38 6. (1) Any order issued under this section shall require periodic financial reports to the  
39 court by the liquidator. Financial reports shall include, at a minimum, the assets and liabilities  
40 of the insurer and all funds received or disbursed by the liquidator during the current period.  
41 Financial reports shall be filed within one year of the liquidation order and at least annually  
42 thereafter.

43 (2) After an order of liquidation has been entered, the liquidator of such insurer shall file  
44 with the director a statement which shall reflect the claims reserves, including losses incurred  
45 but not reported, and unearned premium reserves which have been established by the liquidator  
46 and which shall also set forth the amounts of such reserves that are allocable to particular  
47 reinsurers of the insolvent company. A similar statement shall be filed by each liquidator not  
48 less frequently than annually and shall be considered for all intents and purposes as the annual  
49 statement which was required to be filed by the insurer with the director prior to the liquidation  
50 proceedings. To the extent that any reinsurer of an insurer in liquidation would have been  
51 required under any agreement pertaining to reinsurance to post letters of credit or other security  
52 prior to an order of liquidation to cover such reserves reflected upon a statement filed with a  
53 regulatory authority, such reinsurer shall be required to post letters of credit or other security to  
54 cover such reserves after an insurer has been placed in liquidation. If a reinsurer shall fail to post  
55 letters of credit or other security required by a reinsurance agreement or the provisions of this  
56 section, the director may issue an order barring such reinsurer from thereafter reinsuring any  
57 insurer which is incorporated under the laws of the state of Missouri.

58 7. (1) Within five days after the initiation of an appeal of an order of liquidation, the  
59 liquidator shall present for the court's approval a plan for the continued performance of the  
60 defendant company's policy claims obligations, including the duty to defend insureds under  
61 liability insurance policies, during the pendency of an appeal. Such plan shall provide for the  
62 continued performance and payment of policy claims obligations in the normal course of events,  
63 notwithstanding the grounds alleged in support of the order of liquidation including the ground  
64 of insolvency. In the event the defendant company's financial condition, in the judgment of the  
65 liquidator, will not support the full performance of all policy claims obligations during the appeal

66 pendency period, the plan may prefer the claims of certain policyholders and claimants over  
67 creditors and interested parties as well as other policyholders and claimants, as the liquidator  
68 finds to be fair and equitable considering the relative circumstances of such policyholders and  
69 claimants. The court shall examine the plan submitted by the liquidator and if it finds the plan  
70 to be in the best interests of the parties, the court shall approve the plan. No action shall lie  
71 against the liquidator or any of his deputies, agents, clerks, assistants or attorneys by any party  
72 based on preference in an appeal pendency plan approved by the court.

73 (2) The appeal pendency plan shall not supersede or affect the obligations of any  
74 insurance guaranty association.

75 (3) Any such plans shall provide for equitable adjustments to be made by the liquidator  
76 to any distributions of assets to guaranty associations, in the event that the liquidator pays claims  
77 from assets of the estate, which would otherwise be the obligations of any particular guaranty  
78 association but for the appeal of the order of liquidation, such that all guaranty associations  
79 equally benefit on a pro rata basis from the assets of the estate. Further, in the event an order of  
80 liquidation is set aside upon any appeal, the company shall not be released from delinquency  
81 proceedings unless and until all funds advanced by any guaranty association, including  
82 reasonable allocated loss adjustment expenses in connection therewith relating to obligations of  
83 the company, shall be repaid in full, together with interest at the judgment rate of interest or  
84 unless an arrangement for repayment thereof has been made with the consent of all applicable  
85 guaranty associations.

86 8. Any person who shall knowingly destroy, conceal, convert or alter any records or  
87 property of an insurer after entry of an order of liquidation, without having received prior written  
88 permission of the liquidator or of the court, or who shall knowingly neglect or refuse, upon the  
89 order or demand of the liquidator, to deliver to the liquidator any records or property of an  
90 insurer in his possession or control, shall be guilty of a class [C] D felony.

375.1287. 1. A notice of transfer regarding an assumption reinsurance agreement shall  
2 be provided to the policyholders of a transferring insurer in the following manner:

3 (1) The transferring insurer shall provide or cause to be provided to each policyholder  
4 a notice of transfer by first class mail, addressed to the policyholder's last known address or to  
5 the address to which premium notices or other policy documents are sent or, with respect to  
6 home service business, by personal delivery with acknowledged receipt. A notice of transfer  
7 shall also be sent to the transferring insurer's agents and brokers of record on the affected  
8 policies;

9 (2) The notice of transfer shall state or provide:

10 (a) The date on which the transfer and novation of the policyholder's contract of  
11 insurance is proposed to take place;

12 (b) The name and addresses and telephone numbers of the transferring insurer and  
13 assuming insurer;



14 (c) That the policyholder has the right to either consent to or reject the transfer and  
15 novation;

16 (d) The procedures and time limit for consenting to or rejecting the transfer and  
17 novation;

18 (e) A summary of any effect that consenting to or rejecting the transfer and novation will  
19 have on the policyholder's rights;

20 (f) A statement that the assuming insurer is licensed to write the type of business being  
21 assumed in the state where the policyholder resides, or is otherwise authorized, as provided  
22 herein, to assume such business;

23 (g) The name and address of the person at the transferring insurer to whom the  
24 policyholder should send its written statement of acceptance or rejection of the transfer and  
25 novation;

26 (h) The address and phone number of the insurance department where the policyholder  
27 resides so that the policyholder may write or call its insurance department for further information  
28 regarding the financial condition of the assuming insurer; and

29 (i) The following financial data for both companies:

30 a. Ratings for the last five years if available or for such lesser period as is available from  
31 two nationally recognized insurance rating services acceptable to the director including the rating  
32 service's explanation of the rating's meaning. If ratings are unavailable for any year of the  
33 five-year period, this shall also be disclosed;

34 b. A balance sheet as of December thirty-first for the previous three years if available or  
35 for such lesser period as is available and as of the date of the most recent quarterly statement;

36 c. A copy of the management's discussion and analysis that was filed as a supplement  
37 to the previous year's annual statement; and

38 d. An explanation of the reason for the transfer;

39 (3) Notice in a form identical or substantially similar to the following, or as specified by  
40 the director of the department of insurance, financial institutions and professional registration  
41 by regulation, shall be deemed to comply with the requirements of this subsection:

42 (FIRST, SECOND OR THIRD AND FINAL)

43 NOTICE OF TRANSFER

44 IMPORTANT: THIS NOTICE AFFECTS YOUR CONTRACT RIGHTS. PLEASE READ  
45 IT CAREFULLY.

46 TRANSFER OF POLICY

47 The (name of assuming insurance company) has agreed to replace us as your insurer under (insert  
48 policy/certificate name and number) effective (insert date). The (assuming insurance company's)  
49 principal place of business is (insert address) and certain financial information concerning both  
50 companies are attached, including: (1) ratings for the last five years if available or for such lesser  
51 period as is available from two nationally recognized insurance rating services; (2) balance sheets

52 for the previous three years if available or for such lesser period as is available and as of a date  
53 no later than ninety days prior to the current date; (3) a copy of the management's discussion and  
54 analysis that was filed as a supplement to the previous year's annual statement; and (4) an  
55 explanation of the reason for the transfer. You may obtain additional information concerning  
56 (name of assuming insurance company) from reference materials in your local library or by  
57 contacting your state insurance director at (insert address). The (name of assuming insurance  
58 company) is licensed to write this coverage in your state.

59 **Your Rights**

60 You may choose to accept or reject the transfer of your policy to (name of assuming insurance  
61 company). If you want your policy transferred, you must notify us in writing immediately by  
62 signing and returning the enclosed preaddressed, postage-paid or by writing to us at: (Insert  
63 name, address and facsimile number of contact person.) Payment of your premiums to the  
64 assuming company will also constitute acceptance of the transaction. However, a method will  
65 be provided to allow you to pay the premium while reserving the right to reject the transfer. If  
66 you reject the transfer, you may keep your policy with us or exercise any option under your  
67 policy. If we do not receive a written rejection from you within thirty months of our first notice  
68 of transfer, (insert date of initial mailing), you will, as a matter of law, have consented to the  
69 transfer. However, before this consent is final, you will be provided a second notice, twelve  
70 months after our first notice, and a third and final notice, twenty-four months after our first  
71 notice. After the third and final notice is provided, you will have only six months to reply. If  
72 you have paid your premium to (the assuming insurance company) without reserving your right  
73 to reject the transfer, you will not receive a subsequent notice.

74 **Effect of Transfer**

75 If you accept this transfer, (name of assuming insurance company) will be your insurer. It will  
76 have direct responsibility to you for the payment of all claims, benefits and for all other policy  
77 obligations. We will no longer have any obligations to you. If you accept this transfer, you  
78 should make all premium payments and claims submissions to (name of assuming insurance  
79 company) and direct all questions to (name of assuming insurance company). If you have any  
80 further questions about this agreement, you may contact (name of transferring insurance  
81 company) or (name of assuming insurance company).

82 Sincerely,.....

83 (Name of Transferring	(Name of Assuming
84 Insurance Company	Insurance Company
85 Address	Address
86 Telephone Number)	Telephone Number)

87 For your convenience, we have enclosed a preaddressed postage-paid response card. Please take  
88 time now to read the enclosed notice and complete and return the response card to us.  
89 (Notice Date)

## 90 RESPONSE CARD

91 ..... Yes, I accept the transfer of my policy from (name of transferring company) to (name of  
92 assuming company).

93 ..... No, I reject the proposed transfer of my policy from (name of transferring company) to  
94 (name of assuming company) and wish to retain my policy with (name of transferring company).

95 (Date) ..... (Signature) .....

96 Name: .....

97 Street Address: .....

98 City, State, Zip: .....

99 (4) The notice to transfer shall include a preaddressed, postage-paid response card which  
100 a policyholder may return as its written statement of acceptance or rejection of the transfer and  
101 novation;

102 (5) The notice of transfer proposed to be used shall be filed as part of the prior approval  
103 requirement set forth below in subdivision (1) of subsection 2 of this section.

104 2. (1) Prior approval by the director is required for any transaction where an insurer  
105 domiciled in this state assumes or transfers obligations or risks on contracts of insurance under  
106 an assumption reinsurance agreement. No insurer licensed in this state shall transfer obligations  
107 or risks on contracts of insurance owned by policyholders residing in this state to any insurer that  
108 is not licensed in this state. An insurer domiciled in this state shall not assume obligations or  
109 risks on contracts of insurance owned by policyholders residing in any other state unless it is  
110 licensed in the other state, or the insurance regulatory official of that state has approved such  
111 assumption in writing;

112 (2) Any licensed foreign insurer that enters into an assumption reinsurance agreement,  
113 which transfers the obligations or risks on contracts of insurance owned by policyholders  
114 residing in this state, shall file or cause to be filed the assumption certificate with the director of  
115 the department of insurance, financial institutions and professional registration of this state, a  
116 copy of the notice of transfer, and an affidavit that the transaction is subject to substantially  
117 similar requirements in the state of domicile of both the transferring and assuming insurer;

118 (3) Any licensed foreign insurer that enters into an assumption reinsurance agreement,  
119 which transfers the obligations or risks on contracts of insurance owned by policyholders  
120 residing in this state, shall obtain the prior approval of the director of the department of  
121 insurance, financial institutions and professional registration of this state and shall be subject to  
122 all other requirements of sections 375.1280 to 375.1295 unless the transferring and assuming  
123 insurers are subject to assumption reinsurance requirements adopted by statute or regulation in  
124 the jurisdiction of their domicile which are substantially similar to sections 375.1280 to  
125 375.1295;

126 (4) No insurer required to receive approval of assumption reinsurance transactions under  
127 this section shall enter into an assumption reinsurance transaction until:

128 (a) Thirty days after the director has received a request for approval and has not within  
129 such period disapproved such transaction; or

130 (b) The director shall have approved the transaction within the thirty-day period;

131 (5) The following factors, along with such other factors as the director deems appropriate  
132 under the circumstances, shall be considered by the director in reviewing the request for  
133 approval:

134 (a) The financial condition of the transferring and assuming insurer and the effect the  
135 transaction will have on the financial condition of each company;

136 (b) The competence, experience and integrity of those persons who control the operation  
137 of the assuming insurer;

138 (c) The plans or proposals the assuming party has with respect to the administration of  
139 the policies subject to the proposed transfer;

140 (d) Whether the transfer is fair and reasonable to the policyholders of both companies;

141 (e) Whether the notice of transfer to be provided by the insurer is fair, adequate and not  
142 misleading; and

143 (f) Whether the transfer lessens competition or restrains trade.

144 3. Any officer, director or stockholder of any insurer violating or consenting to the  
145 violation of any provision of subsection 2 of this section is guilty of a class [D] E felony.

380.391. 1. It is unlawful for any officer, director, member, agent or employee of any  
2 company operating under the provisions of sections 380.201 to 380.611 to directly or indirectly  
3 use or employ, or permit others to use or employ, any of the money, funds or securities of the  
4 company for private profit or gain.

5 2. Any person who willfully engages in any act, practice, omission, or course of business  
6 in violation of this section is guilty of a class [D] E felony.

7 3. The director may refer such evidence as is available concerning violations of this  
8 section to the proper prosecuting attorney, who with or without a criminal reference, or the  
9 attorney general under section 27.030, may institute the appropriate criminal proceedings.

10 4. Nothing in this section shall limit the power of the state to punish any person for any  
11 conduct that constitutes a crime in any other state statute.

382.275. Any officer, director, or employee of an insurance holding company system  
2 who knowingly subscribes to or makes or causes to be made any false statements or false reports  
3 or false filings with the intent to deceive the director in the performance of his duties under this  
4 chapter, upon conviction thereof, shall be guilty of a class [D] E felony. Any fines imposed shall  
5 be paid by the officer, director, or employee in his individual capacity.

389.653. 1. Any person who commits the following acts shall be deemed guilty of a  
2 "trespass to railroad property":

3 (1) Throwing an object at a railroad train or rail-mounted work equipment; or

4 (2) Maliciously or wantonly causing in any manner the derailment of a railroad train,  
5 railroad car or rail-mounted work equipment.

6 2. Any person committing a trespass to railroad property pursuant to this section shall  
7 be deemed guilty of a class A misdemeanor.

8 3. Notwithstanding subsection 2 of this section, any person committing a trespass to  
9 railroad property pursuant to this section resulting in the damage or destruction of railroad  
10 property in an amount exceeding one thousand five hundred dollars or resulting in the injury or  
11 death of any person shall be deemed guilty of a class [D] E felony.

12 4. Notwithstanding subsection 2 of this section, any person committing a trespass to  
13 railroad property pursuant to this section who discharges a firearm or a weapon at a railroad train  
14 or rail-mounted work equipment shall be deemed guilty of a class [D] E felony.

15 5. Nothing in this section shall be construed to interfere with either the lawful use of a  
16 public or private railroad crossing, or as limiting a representative of a labor organization which  
17 represents or is seeking to represent the employees of the railroad, from conducting such business  
18 as provided by the Railway Labor Act.

19 6. As used in this section, "railroad property" includes, but is not limited to, any train,  
20 locomotive, railroad car, caboose, rail-mounted work equipment, rolling stock, work equipment,  
21 safety device, switch, electronic signal, microwave communication equipment, connection,  
22 railroad track, rail, bridge, trestle, right-of-way or any other property owned, leased, operated or  
23 possessed by a railroad.

407.020. 1. The act, use or employment by any person of any deception, fraud, false  
2 pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or  
3 omission of any material fact in connection with the sale or advertisement of any merchandise  
4 in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in  
5 section 407.453, in or from the state of Missouri, is declared to be an unlawful practice. The use  
6 by any person, in connection with the sale or advertisement of any merchandise in trade or  
7 commerce or the solicitation of any funds for any charitable purpose, as defined in section  
8 407.453, in or from the state of Missouri of the fact that the attorney general has approved any  
9 filing required by this chapter as the approval, sanction or endorsement of any activity, project  
10 or action of such person, is declared to be an unlawful practice. Any act, use or employment  
11 declared unlawful by this subsection violates this subsection whether committed before, during  
12 or after the sale, advertisement or solicitation.

13 2. Nothing contained in this section shall apply to:

14 (1) The owner or publisher of any newspaper, magazine, publication or printed matter  
15 wherein such advertisement appears, or the owner or operator of a radio or television station  
16 which disseminates such advertisement when the owner, publisher or operator has no knowledge  
17 of the intent, design or purpose of the advertiser; or

18           (2) Any institution, company, or entity that is subject to chartering, licensing, or  
19 regulation by the director of the department of insurance, financial institutions and professional  
20 registration under chapter 354 or chapters 374 to 385, the director of the division of credit unions  
21 under chapter 370, or director of the division of finance under chapters 361 to 369, or chapter  
22 371, unless such directors specifically authorize the attorney general to implement the powers  
23 of this chapter or such powers are provided to either the attorney general or a private citizen by  
24 statute.

25           3. Any person who willfully and knowingly engages in any act, use, employment or  
26 practice declared to be unlawful by this section with the intent to defraud shall be guilty of a  
27 class [D] E felony.

28           4. It shall be the duty of each prosecuting attorney and circuit attorney in their respective  
29 jurisdictions to commence any criminal actions under this section, and the attorney general shall  
30 have concurrent original jurisdiction to commence such criminal actions throughout the state  
31 where such violations have occurred.

32           5. It shall be an unlawful practice for any long-term care facility, as defined in section  
33 660.600, except a facility which is a residential care facility or an assisted living facility, as  
34 defined in section 198.006, which makes, either orally or in writing, representation to residents,  
35 prospective residents, their families or representatives regarding the quality of care provided, or  
36 systems or methods utilized for assurance or maintenance of standards of care to refuse to  
37 provide copies of documents which reflect the facility's evaluation of the quality of care, except  
38 that the facility may remove information that would allow identification of any resident. If the  
39 facility is requested to provide any copies, a reasonable amount, as established by departmental  
40 rule, may be charged.

41           6. Any long-term care facility, as defined in section 660.600, which commits an unlawful  
42 practice under this section shall be liable for damages in a civil action of up to one thousand  
43 dollars for each violation, and attorney's fees and costs incurred by a prevailing plaintiff, as  
44 allowed by the circuit court.

407.095. 1. Whenever it appears to the attorney general that a person has engaged in,  
2 is engaging in or is about to engage in any method, act, use, practice or solicitation declared to  
3 be unlawful by any provision of this chapter, he may issue and cause to be served upon such  
4 person, and any other person or persons concerned with or who, in any way, have participated,  
5 are participating or are about to participate in such unlawful method, act, use, practice or  
6 solicitation, an order prohibiting such person or persons from engaging or continuing to engage  
7 in such unlawful method, act, use, practice or solicitation. Such order shall not be issued until  
8 the attorney general has notified each person who will be subject to such order of the statutory  
9 section which such person is alleged to have violated, be violating or be about to violate, and the  
10 nature of the method, act, use, practice or solicitation which is the basis of such alleged violation.  
11 The person to whom such notice is given shall have two business days from the receipt of such

12 notice to file an answer to such notice with the attorney general before the order authorized by  
13 this subsection may be issued.

14 2. All orders issued by the attorney general under subsection 1 of this section shall be  
15 signed by the attorney general or, in the event of his absence, his duly authorized representative,  
16 and shall be served in the manner provided in section 407.040, for the service of civil  
17 investigative demands and shall expire of their own force ten days after being served.

18 3. Any person who has been duly served with an order issued under subsection 1 of this  
19 section and who willfully and knowingly violates any provision of such order while such order  
20 remains in effect, either as originally issued or as modified, is guilty of a class [D] E felony. The  
21 attorney general shall have original jurisdiction to commence all criminal actions necessary to  
22 enforce this section.

407.420. Any person willfully violating any of the provisions of section 407.405 is guilty  
2 of a class [D] E felony. It shall be the duty of each prosecuting attorney and circuit attorney in  
3 their respective jurisdictions to commence any criminal actions under this section, and the  
4 attorney general shall have concurrent original jurisdiction to commence such criminal actions  
5 throughout the state where such violations have occurred.

407.436. 1. Any person who willfully and knowingly, and with the intent to defraud,  
2 engages in any practice declared to be an unlawful practice in sections 407.430 to 407.436 of this  
3 credit user protection law shall be guilty of a class [D] E felony.

4 2. The violation of any provision of sections 407.430 to 407.436 of this credit user  
5 protection law constitutes an unlawful practice pursuant to sections 407.010 to 407.130, and the  
6 violator shall be subject to all penalties, remedies and procedures provided in sections 407.010  
7 to 407.130. The attorney general shall have all powers, rights, and duties regarding violations  
8 of sections 407.430 to 407.436 as are provided in sections 407.010 to 407.130, in addition to  
9 rulemaking authority as provided in section 407.145.

407.521. 1. A person commits the crime of odometer fraud in the second degree if he,  
2 with the intent to defraud disconnects, resets, or alters the odometer of any motor vehicle with  
3 the intent to change the number of miles indicated thereon.

4 2. The disconnection, resetting, or altering of any odometer while in the possession of  
5 the person shall be prima facie evidence of intent to defraud.

6 3. Odometer fraud in the second degree is a class [D] E felony.

407.536. 1. Any person transferring ownership of a motor vehicle previously titled in  
2 this or any other state shall do so by assignment of title and shall place the mileage registered on  
3 the odometer at the time of transfer above the signature of the transferor. The signature of the  
4 transferor below the mileage shall constitute an odometer mileage statement. The transferee  
5 shall sign such odometer mileage statement before an application for certificate of ownership  
6 may be made. If the true mileage is known to the transferor to be different from the number of  
7 miles shown on the odometer or the true mileage is unknown, a statement from the transferor

8 shall accompany the assignment of title which shall contain all facts known by the transferor  
9 concerning the true mileage of the motor vehicle. That statement shall become a part of the  
10 permanent record of the motor vehicle with the Missouri department of revenue. The department  
11 of revenue shall place on all new titles issued after September 28, 1977, a box titled "mileage at  
12 the time of transfer".

13         2. Any person transferring the ownership of a motor vehicle previously untitled in this  
14 or any other state to another person shall give an odometer mileage statement to the transferee.  
15 The statement shall include above the signature of the transferor and transferee the cumulative  
16 mileage registered on the odometer at the time of transfer. If the true mileage is known to the  
17 transferor to be different from the number of miles shown on the odometer or the true mileage  
18 is unknown, a statement from the transferor shall accompany the assignment of title which shall  
19 contain all facts known by the transferor concerning the true mileage of the motor vehicle. That  
20 statement shall become a permanent part of the records of the Missouri department of revenue.

21         3. If, upon receiving an application for registration or for a certificate of ownership of  
22 a motor vehicle, the director of revenue has credible evidence that the odometer reading provided  
23 by a transferor is materially inaccurate, he may place an asterisk on the face of the title document  
24 issued by the Missouri department of revenue, provided that the process required thereby does  
25 not interfere with his obligations under subdivision (2) of subsection 3 of section 301.190. The  
26 asterisk shall refer to a statement on the face and at the bottom of the title document which shall  
27 read as follows: "This may not be the true and accurate mileage of this motor vehicle. Consult  
28 the documents on file with the Missouri department of revenue for an explanation of the  
29 inaccuracy." Nothing in this section shall prevent any person from challenging the determination  
30 by the director of revenue in the circuit courts of the state of Missouri. The burden of proof shall  
31 be on the director of the department of revenue in all such proceedings.

32         4. The mileage disclosed by the odometer mileage statement for a new or used motor  
33 vehicle as described in subsections 1 and 2 of this section shall be placed by the transferor on any  
34 title or document evidencing ownership. Additional statements shall be placed on the title  
35 document as follows:

36             (1) If the transferor states that to the best of his knowledge the mileage disclosed is the  
37 actual mileage of the motor vehicle, an asterisk shall follow the mileage on the face of the title  
38 or document of ownership issued by the Missouri department of revenue. The asterisk shall  
39 reference to a statement on the face and bottom of the title document which shall read as follows:  
40 "Actual Mileage".

41             (2) Where the transferor has submitted an explanation why this mileage is incorrect, an  
42 asterisk shall follow the mileage on the face of the title or document of ownership issued by the  
43 Missouri department of revenue. The asterisk shall reference to a statement on the face and at  
44 the bottom of the title document which shall read as follows: "This is not the true and accurate



45 mileage of this motor vehicle. Consult the documents on file with the Missouri department of  
46 revenue for an explanation of the inaccuracy." Further wording shall be included as follows:

47 (a) If the transferor states that the odometer reflects the amount of mileage in excess of  
48 the designed mechanical odometer limit, the above statement on the face of the title document  
49 shall be followed by the words: "Mileage exceeds the mechanical limits";

50 (b) If the transferor states that the odometer reading differs from the mileage and that the  
51 difference is greater than that caused by odometer calibration error and the odometer reading  
52 does not reflect the actual mileage and should not be relied upon, the above statement on the face  
53 of the title document shall be preceded by the words: "Warning Odometer Discrepancy".

54 5. The department of revenue shall notify all motor vehicle ownership transferees of the  
55 civil and criminal penalties involving odometer fraud.

56 6. Any person defacing or obscuring or otherwise falsifying any odometer reading on any  
57 document required by this section shall be guilty of a class [D] E felony.

58 7. The granting or creation of a security interest or lien shall not be considered a change  
59 of ownership for the purpose of this section, and the grantor of such lien or security interest shall  
60 not be required to make an odometer mileage statement. The release of a lien by a mortgage  
61 holder shall not be considered a change of ownership of the motor vehicle for the purposes of  
62 this section. The mortgage holder or lienholder shall not be required to make an odometer  
63 disclosure statement or state the current odometer setting at the time of the release of the lien  
64 where there is no change of ownership.

65 8. For the purposes of the mileage disclosure requirements of this section, if a certificate  
66 of ownership is held by a lienholder, if the transferor makes application for a duplicate certificate  
67 of ownership, or as otherwise provided in the federal Motor Vehicle Information and Cost  
68 Savings Act and related federal regulations, the transferor may execute a written power of  
69 attorney authorizing a transfer of ownership. The person granted such power of attorney shall  
70 restate exactly on the assignment of title the actual mileage disclosed at the time of transfer. The  
71 power of attorney shall accompany the certificate of ownership and the original power of  
72 attorney and a copy of the certificate of ownership shall be returned to the issuing state in the  
73 manner prescribed by the director of revenue, unless otherwise provided by federal law, rule or  
74 regulation. The department of revenue may prescribe a secure document for use in executing a  
75 written power of attorney. The department shall collect a fee for each form issued, not to exceed  
76 the cost of procuring the form.

2 407.544. Notwithstanding any provision of law to the contrary, a court may enhance the  
3 sentence for any person convicted of violating section 407.516, 407.521, 407.526, 407.536,  
4 407.542 or 407.543 who has a prior conviction for any one of the foregoing sections to a fine  
5 and to a time of imprisonment within the department of corrections and human resources for a  
term not to exceed that otherwise authorized by law for violation of a class [D] E felony.

407.740. 1. Any person who willfully and knowingly engages in unlawful subleasing of a motor vehicle, as defined in section 407.742, shall be guilty of a class [D] E felony. It shall be the duty of each prosecuting attorney and circuit attorney in their respective jurisdictions to commence any criminal actions under sections 407.738 to 407.745, and the attorney general shall have concurrent original jurisdiction to commence such criminal actions throughout the state where such violations have occurred.

2. Whenever it appears to the attorney general that a person has engaged in, is engaging in, or is about to engage in unlawful subleasing of a motor vehicle, he may bring an action pursuant to section 407.100 for an injunction prohibiting such person from continuing such methods, uses, acts, or practices, or engaging therein, or doing anything in furtherance thereof. In any action brought by the attorney general under this subsection, all of the provisions of sections 407.100 to 407.140 shall apply thereto.

407.1082. 1. It is unlawful pursuant to section 407.020 to violate any provision of sections 407.1070 to 407.1085 or to misrepresent or omit the required disclosures of section 407.1073 or 407.1076, and pursuant to sections 407.010 to 407.130, the violator shall be subject to all penalties, remedies and procedures provided in sections 407.010 to 407.130. The remedies available in this section are cumulative and in addition to any other remedies available by law.

2. Any person who willfully and knowingly engages in any act or practice declared to be unlawful by any provision of subdivisions (2) to (5) of section 407.1076 shall be guilty of a class A misdemeanor. Any person who willfully and knowingly engages in any act or practice declared to be unlawful by any provision of subdivision (1) of section 407.1076, or of subdivisions (6) to (11) of section 407.1076, shall be guilty of a class [D] E felony. Any person previously convicted of a class [D] E felony pursuant to this subsection shall, for each subsequent conviction, be guilty of a class [D] E felony punishable by the term of years set out for a class [D] E felony, but with a fine of not more than five thousand dollars or a fine equal to triple the gain, with no limit on the amount recoverable pursuant to any triple-the-gain penalty. Any person who willfully and knowingly fails to keep the records required in section 407.1079 shall be guilty of a class A misdemeanor.

3. In addition to the remedies already provided in sections 407.1070 to 407.1085, any consumer that suffers a loss or harm as a result of any unlawful telemarketing act or practice pursuant to section 407.1076 may recover actual and punitive damages, reasonable attorney's fees, court costs and any other remedies provided by law.

407.1252. 1. Any individual who purchases a travel club membership from a travel club and has a complaint resulting from that purchase transaction has the option, in addition to filing a civil suit, to file a written complaint with the office of the state attorney general, or the county prosecuting attorney. The office which receives the complaint shall deliver to the travel club that is the subject of the complaint, by registered mail within ten working days, all written complaints received under this section in their entirety. Should the office receiving the complaint, including

7 the attorney general, fail to deliver the complaint as stated herein, any action subsequently filed  
8 on the complaint shall be stayed for a period of thirty business days from the date the club is first  
9 notified and provided the written complaint, thereby allowing the travel club that is the subject  
10 of the complaint an opportunity to cure the complaint as provided in subsection 2 of this section.

11 2. Prior to being subject to any remedies available under sections 407.1240 to 407.1252,  
12 a travel club shall have thirty business days following the date that a filed complaint is provided  
13 to the travel club to cure any grievances stated in the complaint. The parties shall not seek other  
14 forms of redress during this period. Upon satisfaction or settlement of any complaint, the parties  
15 shall execute a written mutual release which shall contain the terms of the settlement and operate  
16 to remove the matters contained in the release as a basis for further action by any entity or person  
17 under this chapter. Any payments to be made under a settlement shall be made within fifteen  
18 business days of the signing date of the settlement.

19 3. (1) The attorney general, prosecuting attorney, or complainant may bring an action  
20 in a court of competent jurisdiction to enjoin a violation of sections 407.1240 to 407.1252 if the  
21 conditions for a violation of sections 407.1240 to 407.1252 have been met.

22 (2) A person who violates any provision of sections 407.1240 to 407.1252 is guilty of  
23 a class [D] E felony and shall be subject to a penalty of ten thousand dollars. Any fines collected  
24 under this subsection shall be transferred to the state school moneys fund as established in  
25 section 166.051 and distributed to the public schools of this state in the manner provided in  
26 section 163.031.

27 4. Any travel club registered to operate in this state which has been adjudged to have  
28 failed to provide a refund equal to the purchase price of the unused travel benefits of a person  
29 who has validly exercised his or her rights of rescission under sections 407.1240 to 407.1252  
30 within fifteen business days of such valid exercise or has been adjudged to have failed to honor  
31 a settlement agreement entered into under the provisions of sections 407.1240 to 407.1252 shall  
32 post a surety bond upon the earlier of a judgment entered on said violations or its next annual  
33 registration.

34 5. Any travel club registered to operate in this state which has been adjudged to have  
35 engaged in fraud in the procurement or sale of contracts shall be required to post a security bond  
36 upon the earlier of the judgment finding such or its next annual registration.

411.260. 1. Each person owning, operating, or desiring to own or operate a grain  
2 warehouse who is required to be licensed, shall apply for a license for each such warehouse he  
3 owns or operates. The application for a license shall be subscribed and sworn to under oath by  
4 the applicant or a duly authorized representative of the applicant. The application shall be in a  
5 form prescribed by the director. All items on the application must be completed or marked "not  
6 applicable" as appropriate.

7 2. All applications shall be accompanied by a true and accurate financial statement of  
8 the applicant, prepared within six months of the date of the application, setting forth the assets,

9 liabilities and the net worth of the applicant. All applications shall also be accompanied by a true  
10 and accurate statement of income and expenses for the applicant's most recently completed fiscal  
11 year. The financial statements required by this chapter shall be prepared in conformity with  
12 generally accepted accounting principles; except that, the director may promulgate rules allowing  
13 for the valuation of assets by competent appraisal.

14 3. The financial statements required by subsection 2 of this section shall be audited or  
15 reviewed by a certified public accountant. The financial statement may not be audited, reviewed  
16 or prepared by the applicant, if an individual, or, if the applicant is a corporation or partnership,  
17 by any officer, shareholder, partner, or employee of the applicant.

18 4. The director may require any additional information or verification with respect to the  
19 financial resources of the applicant as he deems necessary for the effective administration of this  
20 chapter. The director may promulgate rules setting forth minimum standards of acceptance for  
21 the various types of financial statements filed in accordance with the provisions of this chapter.  
22 The director may promulgate rules requiring a statement of retained earnings, a statement of  
23 changes in financial position, and notes and disclosures to the financial statements for all  
24 licensed warehousemen or all warehousemen required to be licensed. The additional information  
25 or verification referred to herein may include, but is not limited to, requiring that the financial  
26 statement information be reviewed or audited in accordance with standards established by the  
27 American Institute of Certified Public Accountants.

28 5. All warehousemen shall provide the director with a copy of all financial statements  
29 and updates to financial statements utilized to secure the bonds required by this chapter. Also,  
30 all warehousemen maintaining a uniform grain storage agreement with the Commodity Credit  
31 Corporation or a United States Warehouse Act license shall provide the director with a copy of  
32 all financial statements and updates to financial statements utilized to secure and maintain such  
33 agreement or license.

34 6. All financial statements submitted to the director for the purposes of this chapter shall  
35 be accompanied by a certification by the applicant or the chief executive officer of the applicant,  
36 subject to the penalty provision set forth in section 411.517 that to the best of his knowledge and  
37 belief the financial statement accurately reflects the financial condition of the applicant for the  
38 fiscal period covered in the statement.

39 7. Any person who knowingly prepares or assists in the preparation of an inaccurate or  
40 false financial statement which is submitted to the director for the purposes of this chapter, or  
41 who during the course of providing bookkeeping services or in reviewing or auditing a financial  
42 statement which is submitted to the director for the purposes of this chapter, becomes aware of  
43 false information in the financial statement and does not disclose in notes accompanying the  
44 financial statements that such false information exists, or does not disassociate himself from the  
45 financial statements prior to submission, is guilty of a class [C] D felony. Additionally, such  
46 persons are liable for any damages incurred by depositors of grain with a warehouseman who is

47 licensed or allowed to maintain his license based upon inaccuracies or falsifications contained  
48 in the financial statement.

411.287. 1. If a license is suspended, revoked or a shortage is known to exist and the  
2 director determines that there is danger of loss to depositors, the director or his authorized agents  
3 may enter the premises of the warehouseman, monitor the activities of the warehouseman and  
4 take any actions authorized by this chapter which are necessary to protect the interests of  
5 depositors of grain. Additionally, when a shortage exists, the director or his designated  
6 representative may order, verbally or in writing, the warehouseman to cease shipping any grain  
7 until such shortage is corrected. Should the warehouseman continue to ship grain after being  
8 advised of such order to cease shipping, such action of the warehouseman shall constitute a class  
9 [C] **D** felony. The director and his designated representative shall notify local law enforcement  
10 officials and request the immediate arrest of the warehouseman.

11 2. Whenever the director or his authorized agents monitor the operation of any  
12 warehouse, the warehouseman, upon a finding by a court of competent jurisdiction that the  
13 director had reasonable grounds to believe that this action was necessary to protect the  
14 depositors, may be assessed and shall pay a fee of one hundred dollars per person for each day  
15 or part thereof that the director or his authorized agents monitored the operations.

411.371. 1. Warehouse receipts shall be issued by any licensed public warehouseman  
2 as herein defined upon the request of any depositor, and must be issued in manner and form as  
3 provided by this chapter or prescribed by rule, and the form of all receipts shall be approved by  
4 the director. The director shall be authorized to have printed all warehouse receipts, grade  
5 certificates, and weight certificates issued by public warehousemen licensed under this chapter.

6 2. It shall be unlawful for any public warehouseman to issue any warehouse receipts for  
7 any grain received except upon warehouse receipts approved by the director. Any person who  
8 shall issue or cause to be issued any counterfeit warehouse receipt, or any warehouse receipt for  
9 grain, other than as authorized and prescribed by the director, shall be guilty of a class [C] **D**  
10 felony.

11 3. Whenever the license of a public warehouseman expires or is revoked or suspended,  
12 he shall return all unused warehouse receipts to the director; the director shall immediately notify  
13 the holders of all outstanding receipts of the expiration or revocation of the license.

14 4. It shall be unlawful for any person, other than a licensed public grain warehouseman,  
15 to issue any negotiable warehouse receipt for grain, or any warehouse receipt for grain for  
16 collateral purposes. Any person who violates this subsection is, upon conviction, guilty of a  
17 class [C] **D** felony.

411.517. 1. The warehouseman shall maintain in a place of safety at each licensed  
2 warehouse facility current and complete records with respect to all grain delivered to, withdrawn  
3 from and received, stored or processed at that warehouse. The director may allow the  
4 warehouseman to maintain said records at the warehouseman's headquarters office on a

5 case-by-case basis taking into consideration the location from which grain payments are made.  
6 Such records shall include but not be limited to the following:

7 (1) A perpetual inventory showing the total quantity of each kind and class of grain  
8 received and loaded out, the quantity of each kind and class of grain remaining in the warehouse  
9 and the total storage obligations for each kind and class of grain. This record shall be kept  
10 current as of the close of each business day; except that, if no transaction takes place during a  
11 business day, a record showing the actual status as to quantity and storage obligations at the close  
12 of the next preceding business day during which recordable transactions occurred shall be  
13 deemed to be current;

14 (2) A register which records all grain transactions not evidenced by the warehouseman's  
15 own scale ticket, i.e., direct farm to market shipments. This register shall be updated daily  
16 showing, at a minimum, customer name, type of grain, quantity of grain, date of shipment, name  
17 of terminal or other business accepting the physical commodity, destination scale ticket number  
18 and whether the grain was delivered for storage, sale or other specified purpose;

19 (3) A current copy of the periodic insurance report submitted to the insurer.

20 2. In addition to the records required by section 411.383 and subsection 1 of this section,  
21 the warehouseman shall maintain such adequate financial records as will clearly reflect his  
22 current financial position and will clearly support any financial information required to be  
23 submitted to the director from time to time.

24 3. Each grain warehouseman may also be required to keep such records or make such  
25 reports as deemed necessary by the director to protect the depositor or seller of grain as set forth  
26 in this chapter and the regulations promulgated hereunder.

27 4. All books, records and accounts of warehousemen shall be kept and held available for  
28 examination for a period of not less than three years after the close of the period for which such  
29 book or record was required; except that, canceled or voided warehouse receipts and the  
30 warehouse receipt register required by section 411.383 shall be kept and held available for  
31 examination for a period of not less than six years from the date of cancellation or voiding of  
32 receipts or, in the case of the register, from the last date upon which a receipt referred to therein  
33 shall have been canceled or voided.

34 5. A warehouseman licensed or required to be licensed under this chapter shall keep  
35 available for examination all books, records and accounts required by this chapter and any other  
36 books, records and accounts relevant to his operating a public grain warehouse. An examination  
37 may be performed by the director or a warehouse auditor, and may take place at any time during  
38 the normal business hours of the warehouseman or, if prior notice of the examination is given  
39 to the warehouseman, at such time as is prescribed in that notice.

40 6. Any warehouseman licensed or required to be licensed under this chapter, or any  
41 officer, agent, employee, servant or associate of such warehouseman, who files with the director  
42 false records, scale tickets, financial statements, accounts, or withholds records, scale tickets,

43 financial statements or accounts from the director, or who alters records, scale tickets, financial  
44 statements or accounts in order to conceal outstanding storage obligations or to conceal actual  
45 amounts of grain received for storage or for purchase, whether or not paid for, or to conceal  
46 warehouse obligations or for the purpose of misleading in any way department warehouse  
47 auditors or officials, is guilty of a class [C] **D** felony.

411.770. A warehouseman commits the crime of "stealing grain" if he sells grain owned  
2 by another person which has been delivered to him for the purpose of storage without the owner's  
3 consent, or by means of deceit or coercion, with the intent to deprive the owner of the grain  
4 either permanently or temporarily. Stealing grain by a warehouseman is a class [C] **D** felony.

413.229. 1. Any person found in violation of any provisions of this chapter shall be  
2 deemed guilty of a class A misdemeanor.

3 2. Any person found to have purposely violated any provisions of this chapter, has been  
4 previously convicted twice for the same offense under the misdemeanor provisions of this  
5 section, or uses or has in his or her possession for use a commercial device which has been  
6 altered to facilitate the commission of fraud shall be deemed guilty of a class [D] **E** felony.

7 3. The prosecutor of each county in which a violation occurs shall be empowered to  
8 bring an action hereunder. If a prosecutor declines to bring such action, the attorney general may  
9 bring an action instead, and in so doing shall have all of the powers and jurisdiction of such  
10 prosecutor.

429.012. 1. Every original contractor, who shall do or perform any work or labor upon,  
2 or furnish any material, fixtures, engine, boiler or machinery for any building, erection or  
3 improvements upon land, or for repairing the same, under or by virtue of any contract, or without  
4 a contract if ordered by a city, town, village or county having a charter form of government to  
5 abate the conditions that caused a structure on that property to be deemed a dangerous building  
6 under local ordinances pursuant to section 67.410, shall provide to the person with whom the  
7 contract is made or to the owner if there is no contract, prior to receiving payment in any form  
8 of any kind from such person, (a) either at the time of the execution of the contract, (b) when the  
9 materials are delivered, (c) when the work is commenced, or (d) delivered with first invoice, a  
10 written notice which shall include the following disclosure language in ten-point bold type:  
11 NOTICE TO OWNER

12 FAILURE OF THIS CONTRACTOR TO PAY THOSE PERSONS SUPPLYING  
13 MATERIAL OR SERVICES TO COMPLETE THIS CONTRACT CAN RESULT IN THE  
14 FILING OF A MECHANIC'S LIEN ON THE PROPERTY WHICH IS THE SUBJECT OF  
15 THIS CONTRACT PURSUANT TO CHAPTER 429, RSMO. TO AVOID THIS RESULT  
16 YOU MAY ASK THIS CONTRACTOR FOR "LIEN WAIVERS" FROM ALL PERSONS  
17 SUPPLYING MATERIAL OR SERVICES FOR THE WORK DESCRIBED IN THIS  
18 CONTRACT. FAILURE TO SECURE LIEN WAIVERS MAY RESULT IN YOUR PAYING  
19 FOR LABOR AND MATERIAL TWICE.

20           2. Compliance with subsection 1 of this section shall be a condition precedent to the  
21 creation, existence or validity of any mechanic's lien in favor of such original contractor.

22           3. Any original contractor who fails to provide the written notice set out in subsection  
23 1 of this section, with intent to defraud, shall be guilty of a class B misdemeanor and any  
24 contractor who knowingly issues a fraudulent lien waiver or a false affidavit shall be guilty of  
25 a class [C] D felony.

26           4. The provisions of subsections 1 and 2 of this section shall not apply to new residences  
27 for which the buyer has been furnished mechanics' and suppliers' lien protection through a title  
28 insurance company registered in the state of Missouri.

29           5. Any settlement agent, including but not limited to any title insurance company, title  
30 insurance agency, title insurance agent or escrow agent who knowingly accepts, with intent to  
31 defraud, a fraudulent lien waiver or a false affidavit shall be guilty of a class [C] D felony if the  
32 acceptance of the fraudulent lien waiver or false affidavit results in a matter of financial gain to:

33           (1) The settlement agent or to its officer, director or employee other than a financial gain  
34 from the charges regularly made in the course of its business;

35           (2) A person related as closely as the fourth degree of consanguinity to the settlement  
36 agent or to an officer, director or employee of the settlement agent;

37           (3) A spouse of the settlement agent, officer, director or employee of the settlement  
38 agent; or

39           (4) A person related as closely as the fourth degree of consanguinity to the spouse of the  
40 settlement agent, officer, director or employee of the settlement agent.

429.013. 1. The provisions of this section shall apply only to the repair or remodeling  
2 of or addition to owner-occupied residential property of four units or less. The term "owner"  
3 means the owner of record at the time any contractor, laborer or materialman agrees or is  
4 requested to furnish any work, labor, material, fixture, engine, boiler or machinery. The term  
5 "owner-occupied" means that property which the owner currently occupies, or intends to occupy  
6 and does occupy as a residence within a reasonable time after the completion of the repair,  
7 remodeling or addition which is the basis for the lien sought, pursuant to this section. The term  
8 "residential property" means property consisting of four or less existing units to which repairs,  
9 remodeling or additions are undertaken. This section shall not apply to the building, construction  
10 or erection of any improvements constituting the initial or original residential unit or units or  
11 other improvements or appurtenances forming a part of the original development of the property.  
12 The provisions added to this subsection in 1990 are intended to clarify the scope and meaning  
13 of this section as originally enacted.

14           2. No person, other than an original contractor, who performs any work or labor or  
15 furnishes any material, fixtures, engine, boiler or machinery for any building or structure shall  
16 have a lien under this section on such building or structure for any work or labor performed or  
17 for any material, fixtures, engine, boiler, or machinery furnished unless an owner of the building



18 or structure pursuant to a written contract has agreed to be liable for such costs in the event that  
19 the costs are not paid. Such consent shall be printed in ten point bold type and signed separately  
20 from the notice required by section 429.012 and shall contain the following words: CONSENT  
21 OF OWNER

22 CONSENT IS HEREBY GIVEN FOR FILING OF MECHANIC'S LIENS BY ANY  
23 PERSON WHO SUPPLIES MATERIALS OR SERVICES FOR THE WORK DESCRIBED IN  
24 THIS CONTRACT ON THE PROPERTY ON WHICH IT IS LOCATED IF HE IS NOT PAID.

25 3. In addition to complying with the provisions of section 429.012, every original  
26 contractor shall retain a copy of the notice required by that section and any consent signed by an  
27 owner and shall furnish a copy to any person performing work or labor or furnishing material,  
28 fixtures, engines, boilers or machinery upon his request for such copy of the notice or consent.  
29 It shall be a condition precedent to the creation, existence or validity of any lien by anyone other  
30 than an original contractor that a copy of a consent in the form prescribed in subsection 2 of this  
31 section, signed by an owner, be attached to the recording of a claim of lien. The signature of one  
32 or more of the owners shall be binding upon all owners. Nothing in this section shall relieve the  
33 requirements of any original contractor under sections 429.010 and 429.012.

34 4. In the absence of a consent described in subsection 2 of this section, full payment of  
35 the amount due under a contract to the contractor shall be a complete defense to all liens filed  
36 by any person performing work or labor or furnishing material, fixtures, engines, boilers or  
37 machinery. Partial payment to the contractor shall only act as an offset to the extent of such  
38 payment.

39 5. Any person falsifying the signature of an owner, with intent to defraud, in the consent  
40 of owner provided in subsection 2 of this section shall be guilty of a class [C] **D** felony. Any  
41 original contractor who knowingly issues a fraudulent consent of owner shall be guilty of a class  
42 [C] **D** felony.

429.014. 1. Any original contractor, subcontractor or supplier who fails or refuses to pay  
2 any subcontractor, materialman, supplier or laborer for any services or materials provided  
3 pursuant to any contract referred to in section 429.010, 429.012 or 429.013 for which the original  
4 contractor, subcontractor or supplier has been paid, with the intent to defraud, commits the crime  
5 of lien fraud, regardless of whether the lien was perfected or filed within the time allowed by  
6 law.

7 2. A property owner or lessee who pays a subcontractor, materialman, supplier or laborer  
8 for the services or goods claimed pursuant to a lien, for which the original contractor,  
9 subcontractor or supplier has been paid, shall have a claim against the original contractor,  
10 subcontractor or supplier who failed or refused to pay the subcontractor, materialman, supplier  
11 or laborer.

12 3. Lien fraud is a class [C] **D** felony if the amount of the lien filed or the aggregate  
13 amount of all liens filed on the subject property as a result of the conduct described in subsection

14 1 of this section is in excess of five hundred dollars, otherwise lien fraud is a class A  
15 misdemeanor. If no liens are filed, lien fraud is a class A misdemeanor.

436.485. 1. Any person, including the officers, directors, partners, agents, or employees  
2 of such person, who shall knowingly and willfully violate or assist or enable any person to  
3 violate any provision of sections 436.400 to 436.520 by incompetence, misconduct, gross  
4 negligence, fraud, misrepresentation, or dishonesty is guilty of a class [C] **D** felony. Each  
5 violation of any provision of sections 436.400 to 436.520 constitutes a separate offense and may  
6 be prosecuted individually. The attorney general shall have concurrent jurisdiction with any  
7 local prosecutor to prosecute under this section.

8 2. Any violation of the provisions of sections 436.400 to 436.520 shall constitute a  
9 violation of the provisions of section 407.020. In any proceeding brought by the attorney general  
10 for a violation of the provisions of sections 436.400 to 436.520, the court may order all relief and  
11 penalties authorized under chapter 407 and, in addition to imposing the penalties provided for  
12 in sections 436.400 to 436.520, order the revocation or suspension of the license or registration  
13 of a defendant seller, provider, or preneed agent.

443.810. Any person who violates any provision of sections 443.805 to 443.812 shall  
2 be deemed guilty of a class [C] **D** felony. In addition, in any contested case proceeding, the  
3 director or board may assess a civil penalty of up to twenty-five thousand dollars per violation  
4 for any violation of any of the provisions of sections 443.701 to 443.893.

443.819. 1. No person engaged in a business regulated by sections 443.701 to 443.893  
2 shall operate or engage in such business under a name other than the real names of the persons  
3 conducting such business, a corporate name adopted pursuant to law, or a fictitious name  
4 registered with the secretary of state's office.

5 2. Any person who knowingly violates this section shall be deemed guilty of a class A  
6 misdemeanor. A person who is convicted of a second or subsequent violation of this section  
7 shall be deemed guilty of a class [C] **D** felony.

453.110. 1. No person, agency, organization or institution shall surrender custody of a  
2 minor child, or transfer the custody of such a child to another, and no person, agency,  
3 organization or institution shall take possession or charge of a minor child so transferred, without  
4 first having filed a petition before the circuit court sitting as a juvenile court of the county where  
5 the child may be, praying that such surrender or transfer may be made, and having obtained such  
6 an order from such court approving or ordering transfer of custody.

7 2. If any such surrender or transfer is made without first obtaining such an order, such  
8 court shall, on petition of any public official or interested person, agency, organization or  
9 institution, order an investigation and report as described in section 453.070 to be completed by  
10 the division of family services and shall make such order as to the custody of such child in the  
11 best interest of such child.

12 3. Any person violating the terms of this section shall be guilty of a class [D] **E** felony.

13           4. The investigation required by subsection 2 of this section shall be initiated by the  
14 division of family services within forty-eight hours of the filing of the court order requesting the  
15 investigation and report and shall be completed within thirty days. The court shall order the  
16 person having custody in violation of the provisions of this section to pay the costs of the  
17 investigation and report.

18           5. This section shall not be construed to prohibit any parent, agency, organization or  
19 institution from placing a child with another individual for care if the right to supervise the care  
20 of the child and to resume custody thereof is retained, or from placing a child with a licensed  
21 foster home within the state through a child-placing agency licensed by this state as part of a  
22 preadoption placement.

23           6. After the filing of a petition for the transfer of custody for the purpose of adoption,  
24 the court may enter an order of transfer of custody if the court finds all of the following:

25           (1) A family assessment has been made as required in section 453.070 and has been  
26 reviewed by the court;

27           (2) A recommendation has been made by the guardian ad litem;

28           (3) A petition for transfer of custody for adoption has been properly filed or an order  
29 terminating parental rights has been properly filed;

30           (4) The financial affidavit has been filed as required under section 453.075;

31           (5) The written report regarding the child who is the subject of the petition containing  
32 the information has been submitted as required by section 453.026;

33           (6) Compliance with the Indian Child Welfare Act, if applicable; and

34           (7) Compliance with the Interstate Compact on the Placement of Children pursuant to  
35 section 210.620.

36           7. A hearing on the transfer of custody for the purpose of adoption is not required if:

37           (1) The conditions set forth in subsection 6 of this section are met;

38           (2) The parties agree and the court grants leave; and

39           (3) Parental rights have been terminated pursuant to section 211.444 or 211.447.

455.085. 1. When a law enforcement officer has probable cause to believe a party has  
2 committed a violation of law amounting to abuse or assault, as defined in section 455.010,  
3 against a family or household member, the officer may arrest the offending party whether or not  
4 the violation occurred in the presence of the arresting officer. When the officer declines to make  
5 arrest pursuant to this subsection, the officer shall make a written report of the incident  
6 completely describing the offending party, giving the victim's name, time, address, reason why  
7 no arrest was made and any other pertinent information. Any law enforcement officer  
8 subsequently called to the same address within a twelve-hour period, who shall find probable  
9 cause to believe the same offender has again committed a violation as stated in this subsection  
10 against the same or any other family or household member, shall arrest the offending party for  
11 this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period

12 may be considered as evidence of the defendant's intent in the violation for which arrest  
13 occurred. The refusal of the victim to sign an official complaint against the violator shall not  
14 prevent an arrest under this subsection.

15         2. When a law enforcement officer has probable cause to believe that a party, against  
16 whom a protective order has been entered and who has notice of such order entered, has  
17 committed an act of abuse in violation of such order, the officer shall arrest the offending  
18 party-respondent whether or not the violation occurred in the presence of the arresting officer.  
19 Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest  
20 under this subsection.

21         3. When an officer makes an arrest he is not required to arrest two parties involved in  
22 an assault when both parties claim to have been assaulted. The arresting officer shall attempt to  
23 identify and shall arrest the party he believes is the primary physical aggressor. The term  
24 "primary physical aggressor" is defined as the most significant, rather than the first, aggressor.  
25 The law enforcement officer shall consider any or all of the following in determining the primary  
26 physical aggressor:

27             (1) The intent of the law to protect victims of domestic violence from continuing abuse;

28             (2) The comparative extent of injuries inflicted or serious threats creating fear of physical  
29 injury;

30             (3) The history of domestic violence between the persons involved. No law enforcement  
31 officer investigating an incident of family violence shall threaten the arrest of all parties for the  
32 purpose of discouraging requests or law enforcement intervention by any party. Where  
33 complaints are received from two or more opposing parties, the officer shall evaluate each  
34 complaint separately to determine whether he should seek a warrant for an arrest.

35         4. In an arrest in which a law enforcement officer acted in good faith reliance on this  
36 section, the arresting and assisting law enforcement officers and their employing entities and  
37 superiors shall be immune from liability in any civil action alleging false arrest, false  
38 imprisonment or malicious prosecution.

39         5. When a person against whom an order of protection has been entered fails to surrender  
40 custody of minor children to the person to whom custody was awarded in an order of protection,  
41 the law enforcement officer shall arrest the respondent, and shall turn the minor children over  
42 to the care and custody of the party to whom such care and custody was awarded.

43         6. The same procedures, including those designed to protect constitutional rights, shall  
44 be applied to the respondent as those applied to any individual detained in police custody.

45         7. A violation of the terms and conditions, with regard to abuse, stalking, child custody,  
46 communication initiated by the respondent or entrance upon the premises of the petitioner's  
47 dwelling unit or place of employment or school, or being within a certain distance of the  
48 petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent  
49 has notice, shall be a class A misdemeanor unless the respondent has previously pleaded guilty

50 to or has been found guilty in any division of the circuit court of violating an ex parte order of  
51 protection or a full order of protection within five years of the date of the subsequent violation,  
52 in which case the subsequent violation shall be a class [D] E felony. Evidence of prior pleas of  
53 guilty or findings of guilt shall be heard by the court out of the presence of the jury prior to  
54 submission of the case to the jury. If the court finds the existence of such prior pleas of guilty  
55 or finding of guilt beyond a reasonable doubt, the court shall decide the extent or duration of  
56 sentence or other disposition and shall not instruct the jury as to the range of punishment or allow  
57 the jury to assess and declare the punishment as a part of its verdict.

58 8. A violation of the terms and conditions, with regard to abuse, stalking, child custody,  
59 communication initiated by the respondent or entrance upon the premises of the petitioner's  
60 dwelling unit or place of employment or school, or being within a certain distance of the  
61 petitioner or a child of the petitioner, of a full order of protection shall be a class A misdemeanor,  
62 unless the respondent has previously pleaded guilty to or has been found guilty in any division  
63 of the circuit court of violating an ex parte order of protection or a full order of protection within  
64 five years of the date of the subsequent violation, in which case the subsequent violation shall  
65 be a class [D] E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by  
66 the court out of the presence of the jury prior to submission of the case to the jury. If the court  
67 finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the  
68 court shall decide the extent or duration of the sentence or other disposition and shall not instruct  
69 the jury as to the range of punishment or allow the jury to assess and declare the punishment as  
70 a part of its verdict. For the purposes of this subsection, in addition to the notice provided by  
71 actual service of the order, a party is deemed to have notice of an order of protection if the law  
72 enforcement officer responding to a call of a reported incident of abuse or violation of an order  
73 of protection presented a copy of the order of protection to the respondent.

74 9. Good faith attempts to effect a reconciliation of a marriage shall not be deemed  
75 tampering with a witness or victim tampering under section 575.270.

76 10. Nothing in this section shall be interpreted as creating a private cause of action for  
77 damages to enforce the provisions set forth herein.

455.538. 1. When a law enforcement officer has probable cause to believe that a party,  
2 against whom a protective order for a child has been entered, has committed an act of abuse in  
3 violation of that order, he shall have the authority to arrest the respondent whether or not the  
4 violation occurred in the presence of the arresting officer.

5 2. When a person, against whom an order of protection for a child has been entered, fails  
6 to surrender custody of minor children to the person to whom custody was awarded in an order  
7 of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor  
8 children over to the care and custody of the party to whom such care and custody was awarded.

9 3. The same procedures, including those designed to protect constitutional rights, shall  
10 be applied to the respondent as those applied to any individual detained in police custody.

11           4. (1) Violation of the terms and conditions of an ex parte or full order of protection  
12 with regard to abuse, child custody, communication initiated by the respondent, or entrance upon  
13 the premises of the victim's dwelling unit or place of employment or school, or being within a  
14 certain distance of the petitioner or a child of the petitioner, of which the respondent has notice,  
15 shall be a class A misdemeanor, unless the respondent has previously pleaded guilty to or has  
16 been found guilty in any division of the circuit court of violating an ex parte order of protection  
17 or a full order of protection within five years of the date of the subsequent violation, in which  
18 case the subsequent violation shall be a class [D] E felony. Evidence of a prior plea of guilty or  
19 finding of guilt shall be heard by the court out of the presence of the jury prior to submission of  
20 the case to the jury. If the court finds the existence of a prior plea of guilty or finding of guilt  
21 beyond a reasonable doubt, the court shall decide the extent or duration of sentence or other  
22 disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess  
23 and declare the punishment as a part of its verdict.

24           (2) For purposes of this subsection, in addition to the notice provided by actual service  
25 of the order, a party is deemed to have notice of an order of protection for a child if the law  
26 enforcement officer responding to a call of a reported incident of abuse or violation of an order  
27 of protection for a child presents a copy of the order of protection to the respondent.

28           5. The fact that an act by a respondent is a violation of a valid order of protection for a  
29 child shall not preclude prosecution of the respondent for other crimes arising out of the incident  
30 in which the protection order is alleged to have been violated.

476.055. 1. There is hereby established in the state treasury the "Statewide Court  
2 Automation Fund". All moneys collected pursuant to section 488.027, as well as gifts,  
3 contributions, devises, bequests, and grants received relating to automation of judicial record  
4 keeping, and moneys received by the judicial system for the dissemination of information and  
5 sales of publications developed relating to automation of judicial record keeping, shall be  
6 credited to the fund. Moneys credited to this fund may only be used for the purposes set forth  
7 in this section and as appropriated by the general assembly. Any unexpended balance remaining  
8 in the statewide court automation fund at the end of each biennium shall not be subject to the  
9 provisions of section 33.080 requiring the transfer of such unexpended balance to general  
10 revenue; except that, any unexpended balance remaining in the fund on September 1, 2013, shall  
11 be transferred to general revenue.

12           2. The statewide court automation fund shall be administered by a court automation  
13 committee consisting of the following: the chief justice of the supreme court, a judge from the  
14 court of appeals, four circuit judges, four associate circuit judges, four employees of the circuit  
15 court, the commissioner of administration, two members of the house of representatives  
16 appointed by the speaker of the house, two members of the senate appointed by the president pro  
17 tem of the senate and two members of the Missouri Bar. The judge members and employee  
18 members shall be appointed by the chief justice. The commissioner of administration shall serve

19 ex officio. The members of the Missouri Bar shall be appointed by the board of governors of the  
20 Missouri Bar. Any member of the committee may designate another person to serve on the  
21 committee in place of the committee member.

22 3. The committee shall develop and implement a plan for a statewide court automation  
23 system. The committee shall have the authority to hire consultants, review systems in other  
24 jurisdictions and purchase goods and services to administer the provisions of this section. The  
25 committee may implement one or more pilot projects in the state for the purposes of determining  
26 the feasibility of developing and implementing such plan. The members of the committee shall  
27 be reimbursed from the court automation fund for their actual expenses in performing their  
28 official duties on the committee.

29 4. Any purchase of computer software or computer hardware that exceeds five thousand  
30 dollars shall be made pursuant to the requirements of the office of administration for lowest and  
31 best bid. Such bids shall be subject to acceptance by the office of administration. The court  
32 automation committee shall determine the specifications for such bids.

33 5. The court automation committee shall not require any circuit court to change any  
34 operating system in such court, unless the committee provides all necessary personnel, funds and  
35 equipment necessary to effectuate the required changes. No judicial circuit or county may be  
36 reimbursed for any costs incurred pursuant to this subsection unless such judicial circuit or  
37 county has the approval of the court automation committee prior to incurring the specific cost.

38 6. Any court automation system, including any pilot project, shall be implemented,  
39 operated and maintained in accordance with strict standards for the security and privacy of  
40 confidential judicial records. Any person who knowingly releases information from a  
41 confidential judicial record is guilty of a class B misdemeanor. Any person who, knowing that  
42 a judicial record is confidential, uses information from such confidential record for financial gain  
43 is guilty of a class [D] E felony.

44 7. On the first day of February, May, August and November of each year, the court  
45 automation committee shall file a report on the progress of the statewide automation system with  
46 the joint legislative committee on court automation. Such committee shall consist of the  
47 following:

- 48 (1) The chair of the house budget committee;
- 49 (2) The chair of the senate appropriations committee;
- 50 (3) The chair of the house judiciary committee;
- 51 (4) The chair of the senate judiciary committee;
- 52 (5) One member of the minority party of the house appointed by the speaker of the house  
53 of representatives; and
- 54 (6) One member of the minority party of the senate appointed by the president pro  
55 tempore of the senate.

56           8. The members of the joint legislative committee shall be reimbursed from the court  
57 automation fund for their actual expenses incurred in the performance of their official duties as  
58 members of the joint legislative committee on court automation.

59           9. Section 488.027 shall expire on September 1, 2013. The court automation committee  
60 established pursuant to this section may continue to function until completion of its duties  
61 prescribed by this section, but shall complete its duties prior to September 1, 2015.

62           10. This section shall expire on September 1, 2015.

          [577.006.] **479.172.** 1. Each municipal judge shall receive adequate instruction on the  
2 laws related to intoxication-related traffic offenses as defined in section [577.023] **577.001**  
3 including jurisdictional issues related to such offenses, reporting requirements to the highway  
4 patrol central repository as set out in section 43.503 and required assessment for offenders under  
5 the substance abuse traffic offender program (SATOP). Each municipal judge shall adopt a  
6 written policy requiring that municipal court personnel timely report all dispositions of all  
7 charges for intoxication-related traffic offenses to the central repository.

8           2. Each municipal court shall provide a copy of its written policy for reporting  
9 dispositions of intoxication-related traffic offenses to the office of state courts administrator and  
10 the highway patrol. To assist municipal courts, the office of state courts administrator may create  
11 a model policy for the reporting of dispositions of all charges for intoxication-related traffic  
12 offenses.

13           3. Each municipal division of every circuit court in the state of Missouri shall prepare  
14 a report every six months. The report shall include, but shall not be limited to, the total number  
15 and disposition of every intoxication-related traffic offense adjudicated, dismissed or pending  
16 in its municipal court division. The municipal court division shall submit said report to the  
17 circuit court en banc. The report shall include the six-month period beginning January first and  
18 ending June thirtieth and the six-month period beginning July first and ending December  
19 thirty-first of each year. The report shall be submitted to the circuit court en banc no later than  
20 sixty days following the end of the reporting period. The circuit court en banc shall make  
21 recommendations or take any action it deems appropriate based on its review of said reports.

          [572.120.] **513.660.** Any gambling device or gambling record, or any money used as bets  
2 or stakes in unlawful gambling activity, possessed or used in violation of this chapter may be  
3 seized by any [peace] **law enforcement** officer and is forfeited to the state. Forfeiture  
4 procedures shall be conducted as provided by rule of court. Forfeited money and the proceeds  
5 from the sale of forfeited property shall be paid into the school fund of the county. Any forfeited  
6 gambling device or record not needed in connection with any proceedings under this chapter and  
7 which has no legitimate use shall be ordered publicly destroyed.

          [570.123.] **537.123.** In addition to all other penalties provided by law, any person who  
2 makes, utters, draws, or delivers any check, draft, or order for the payment of money upon any  
3 bank, savings and loan association, credit union, or other depository, financial institution, person,



4 firm, or corporation which is not honored because of lack of funds or credit to pay or because  
5 of not having an account with the drawee and who fails to pay the amount for which such check,  
6 draft, or order was made in cash to the holder within thirty days after notice and a written  
7 demand for payment, deposited as certified or registered mail in the United States mail, or by  
8 regular mail, supported by an affidavit of service by mailing, notice deemed conclusive three  
9 days following the date the affidavit is executed, and addressed to the maker and to the endorser,  
10 if any, of the check, draft, or order at each of their addresses as it appears on the check, draft, or  
11 order or to the last known address, shall, in addition to the face amount owing upon such check,  
12 draft, or order, be liable to the holder for three times the face amount owed or one hundred  
13 dollars, whichever is greater, plus reasonable attorney fees incurred in bringing an action  
14 pursuant to this section. Only the original holder, whether the holder is a person, bank, savings  
15 and loan association, credit union, or other depository, financial institution, firm or corporation,  
16 may bring an action pursuant to this section. No original holder shall bring an action pursuant  
17 to this section if the original holder has been paid the face amount of the check and costs  
18 recovered by the prosecuting attorney or circuit attorney pursuant to subsection 6 of section  
19 570.120. If the issuer of the check has paid the face amount of the check and costs pursuant to  
20 subsection 6 of section 570.120, such payment shall be an affirmative defense to any action  
21 brought pursuant to this section. The original holder shall elect to bring an action pursuant to  
22 this section or section 570.120, but may not bring an action pursuant to both sections. In no  
23 event shall the damages allowed pursuant to this section exceed five hundred dollars, exclusive  
24 of reasonable attorney fees. In situations involving payroll checks, the damages allowed  
25 pursuant to this section shall only be assessed against the employer who issued the payroll check  
26 and not against the employee to whom the payroll check was issued. The provisions of sections  
27 408.140 and 408.233 to the contrary notwithstanding, a lender may bring an action pursuant to  
28 this section. The provisions of this section will not apply in cases where there exists a bona fide  
29 dispute over the quality of goods sold or services rendered.

[570.087.] **537.127.** 1. As used in this section, the following terms mean:

- 2 (1) "Actual damages", the full retail value of any merchandise which is taken or which  
3 has its price altered in a manner described in subsection 2 of this section, plus any proven  
4 incidental costs to the owner of the merchandise not to exceed one hundred dollars;
- 5 (2) "Mercantile establishment", any place where merchandise is displayed, held or  
6 offered for sale either at retail or at wholesale;
- 7 (3) "Merchandise", all things movable and capable of manual delivery and offered for  
8 sale either at retail or wholesale;
- 9 (4) "Unemancipated minor", an individual under the age of eighteen years whose parents  
10 or guardian have not surrendered the right to the care, custody and earnings of such individual,  
11 and are under a duty to support or maintain such individual.

12           2. An adult or a minor who takes possession of any merchandise from any mercantile  
13 establishment without the consent of the owner, without paying the purchase price and with the  
14 intention of converting such merchandise to his own use, or the use of another, or who purchases  
15 merchandise after altering the price indicia of such merchandise, shall be civilly liable to the  
16 owner for actual damages plus a penalty payable to the owner of not less than one hundred  
17 dollars nor more than two hundred fifty dollars and all court costs and reasonable attorney fees.

18           3. The parents or guardian having physical custody of an unemancipated minor, who  
19 takes possession of any merchandise from any mercantile establishment without the consent of  
20 the owner, without paying the purchase price and with the intention of converting such  
21 merchandise to his own use, or the use of another, or who purchases merchandise after altering  
22 the price indicia of such merchandise, shall be civilly liable to the owner for actual damages,  
23 provided that a parent or guardian shall not be liable if they have not had physical custody for  
24 a period in excess of one year.

25           4. Notwithstanding the provisions of subsections 2 and 3 of this section, any person who,  
26 without the consent of the owner, takes possession of a shopping cart from any mercantile  
27 establishment with the intent to convert such shopping cart to his own use or the use of another  
28 shall be civilly liable to the owner for actual damages plus a penalty payable to the owner of one  
29 hundred dollars and all court costs and reasonable attorney fees.

30           5. A conviction under section 570.030 [or 570.040] shall not be a condition precedent  
31 to maintaining a civil action pursuant to the provisions of this section.

32           6. No owner or agent or employee of the owner may attempt to gain an advantage in a  
33 civil action by threatening to initiate a criminal prosecution pertaining to the same incident.

542.402. 1. Except as otherwise specifically provided in sections 542.400 to 542.422,  
2 a person is guilty of a class [D] E felony and upon conviction shall be punished as provided by  
3 law, if such person:

4           (1) Knowingly intercepts, endeavors to intercept, or procures any other person to  
5 intercept or endeavor to intercept, any wire communication;

6           (2) Knowingly uses, endeavors to use, or procures any other person to use or endeavor  
7 to use any electronic, mechanical, or other device to intercept any oral communication when such  
8 device transmits communications by radio or interferes with the transmission of such  
9 communication; provided, however, that nothing in sections 542.400 to 542.422 shall be  
10 construed to prohibit the use by law enforcement officers of body microphones and transmitters  
11 in undercover investigations for the acquisition of evidence and the protection of law  
12 enforcement officers and others working under their direction in such investigations;

13           (3) Knowingly discloses, or endeavors to disclose, to any other person the contents of  
14 any wire communication, when he knows or has reason to know that the information was  
15 obtained through the interception of a wire communication in violation of this subsection; or

16 (4) Knowingly uses, or endeavors to use, the contents of any wire communication, when  
17 he knows or has reason to know that the information was obtained through the interception of  
18 a wire communication in violation of this subsection.

19 2. It is not unlawful under the provisions of sections 542.400 to 542.422:

20 (1) For an operator of a switchboard, or an officer, employee, or agent of any  
21 communication common carrier, whose facilities are used in the transmission of a wire  
22 communication, to intercept, disclose, or use that communication in the normal course of his  
23 employment while engaged in any activity which is a necessary incident to the rendition of his  
24 service or to the protection of the rights or property of the carrier of such communication,  
25 however, communication common carriers shall not utilize service observing or random  
26 monitoring except for mechanical or service quality control checks;

27 (2) For a person acting under law to intercept a wire or oral communication, where such  
28 person is a party to the communication or where one of the parties to the communication has  
29 given prior consent to such interception;

30 (3) For a person not acting under law to intercept a wire communication where such  
31 person is a party to the communication or where one of the parties to the communication has  
32 given prior consent to such interception unless such communication is intercepted for the  
33 purpose of committing any criminal or tortious act.

[566.013] **542.425.** In the course of a criminal investigation under [this] chapter **566 or**  
2 **573**, when the venue of the alleged criminal conduct cannot be readily determined without  
3 further investigation, the attorney general may request the prosecuting attorney of Cole County  
4 to request a circuit or associate circuit judge of Cole County to issue a subpoena to any witness  
5 who may have information for the purpose of oral examination under oath or to require access  
6 to data or the production of books, papers, records, or other material of evidentiary nature at the  
7 office of the attorney general. If, upon review of the evidence produced pursuant to the  
8 subpoenas, it appears that a violation of [this] chapter **566 or 573** may have been committed, the  
9 attorney general shall provide the evidence produced pursuant to subpoena to an appropriate  
10 county prosecuting attorney or circuit attorney having venue over the criminal offense.

[577.039.] **544.216.** An arrest without a warrant by a law enforcement officer, including  
2 a uniformed member of the state highway patrol, for a violation of section 577.010 or 577.012  
3 is lawful whenever the arresting officer has reasonable grounds to believe that the person to be  
4 arrested has violated the section, whether or not the violation occurred in the presence of the  
5 arresting officer.

[577.680.] **544.472.** 1. If verification of the nationality or lawful immigration status of  
2 any person who is charged and confined to jail for any period of time cannot be made from  
3 documents in the possession of the prisoner or after a reasonable effort on the part of the  
4 arresting agency to determine the nationality or immigration status of the person so confined,  
5 verification shall be made by the arresting agency within forty-eight hours through a query to the

6 Law Enforcement Support Center (LESC) of the United States Department of Homeland  
7 Security or other office or agency designated for that purpose by the United States Department  
8 of Homeland Security. If it is determined that the prisoner is in the United States unlawfully, the  
9 arresting agency shall notify the United States Department of Homeland Security. Until August  
10 28, 2009, this section shall only apply to officers employed by the department of public safety  
11 to include: the highway patrol, water patrol, capitol police, fire marshal's office, and division of  
12 alcohol and tobacco control.

13 2. Nothing in this section shall be construed to deny any person bond or prevent a person  
14 from being released from confinement if such person is otherwise eligible for release.

544.665. 1. In addition to the forfeiture of any security which was given or pledged for  
2 a person's release, any person who, having been released upon a recognizance or bond pursuant  
3 to any other provisions of law while pending preliminary hearing, trial, sentencing, appeal,  
4 probation or parole revocation, or any other stage of a criminal matter against him or her,  
5 knowingly fails to appear before any court or judicial officer as required shall be guilty of the  
6 crime of failure to appear.

7 2. Failure to appear is:

8 (1) A class [D] E felony if the criminal matter for which the person was released  
9 included a felony;

10 (2) A class A misdemeanor if the criminal matter for which the person was released  
11 includes a misdemeanor or misdemeanors but no felony or felonies;

12 (3) An infraction if the criminal matter for which the person was released includes only  
13 an infraction or infractions;

14 (4) An infraction if the criminal matter for which the person was released includes only  
15 the violation of a municipal ordinance, provided that the sentence imposed shall not exceed the  
16 maximum fine which could be imposed for the municipal ordinance for which the accused was  
17 arrested.

18 3. Nothing in sections 544.040 to 544.665 shall prevent the exercise by any court of its  
19 power to punish for contempt.

[566.135.] **545.940.** 1. Pursuant to a motion filed by the prosecuting attorney or circuit  
2 attorney with notice given to the defense attorney and for good cause shown, in any criminal case  
3 in which a defendant has been charged by the prosecuting attorney's office or circuit attorney's  
4 office with any offense under [this chapter or pursuant to section 575.150, 567.020, 565.050,  
5 565.060, 565.070,] **under chapter 566 or section 565.050, assault in the first degree; 565.052,**  
6 **assault in the second degree; 565.054, assault in the third degree; 565.056, assault in the**  
7 **fourth degree; section 565.072, domestic assault in the first degree; section 565.073,**  
8 **domestic assault in the second degree; section 565.074, [565.075, 565.081, 565.082, 565.083,]**  
9 **domestic assault in the third degree; section 565.076, domestic assault in the fourth degree;**  
10 **section 567.020, prostitution; section 568.045, endangering the welfare of a child in the first**

11 **degree; section 568.050, [or] endangering the welfare of a child in the second degree;**  
12 **section 568.060, abuse of a child; section 575.150, resisting or interfering with an arrest;**  
13 or paragraph (a), (b), or (c), of subdivision (2) of subsection 1 of section 191.677, **recklessly**  
14 **exposing a person to HIV**, the court may order that the defendant be conveyed to a state-, city-,  
15 or county-operated HIV clinic for testing for HIV, hepatitis B, hepatitis C, syphilis, gonorrhea,  
16 and chlamydia. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis, gonorrhea,  
17 and chlamydia] **such** tests shall be released to the victim and his or her parent or legal guardian  
18 if the victim is a minor. The results of [the defendant's HIV, hepatitis B, hepatitis C, syphilis,  
19 gonorrhea, and chlamydia] **such** tests shall also be released to the prosecuting attorney or circuit  
20 attorney and the defendant's attorney. The state's motion to obtain said testing, the court's order  
21 of the same, and the test results shall be sealed in the court file.

22 2. As used in this section, "HIV" means the human immunodeficiency virus that causes  
23 acquired immunodeficiency syndrome.

556.011. [This code] **Chapters 556 to 580** shall be known and may be cited as "The  
2 Criminal Code".

556.021. 1. [An offense defined by this code or by any other statute of this state  
2 constitutes an infraction if it is so designated or if no other sentence than a fine, or fine and  
3 forfeiture or other civil penalty is authorized upon conviction.

4 2.] An infraction does not constitute [a crime] **a criminal offense** and conviction of an  
5 infraction shall not give rise to any disability or legal disadvantage based on conviction of a  
6 [crime] **criminal offense**.

7 [3.] 2. Except as otherwise provided by law, the procedure for infractions shall be the  
8 same as for a misdemeanor.

9 [4.] 3. If a [defendant] **person** fails to appear in court either solely for an infraction or  
10 for an infraction which is committed in the same course of conduct as a criminal offense for  
11 which the [defendant] **person** is charged, or if a [defendant] **person** fails to respond to notice of  
12 an infraction from the central violations bureau established in section 476.385, the court may  
13 issue a default judgment for court costs and fines for the infraction which shall be enforced in  
14 the same manner as other default judgments, including enforcement under sections 488.5028 and  
15 488.5030, unless the court determines that good cause or excusable neglect exists for the  
16 [defendant's] **person's** failure to appear for the infraction. The notice of entry of default  
17 judgment and the amount of fines and costs imposed shall be sent to the [defendant] **person** by  
18 first class mail. The default judgment may be set aside for good cause if the [defendant] **person**  
19 files a motion to set aside the judgment within six months of the date the notice of entry of  
20 default judgment is mailed.

21 [5.] 4. Notwithstanding subsection [4] 3 of this section or any provisions of law to the  
22 contrary, a court may issue a warrant for failure to appear for any violation which is classified  
23 as an infraction.

24 [6.] 5. Judgment against the defendant for an infraction shall be in the amount of the fine  
25 authorized by law and the court costs for the offense.

26 [7. Subsections 3 to 6 of this section shall become effective January 1, 2012.]

556.026. No conduct constitutes an offense **or infraction** unless made so by this code  
2 or by other applicable statute.

556.036. 1. A prosecution for murder, forcible rape, attempted forcible rape, forcible  
2 sodomy, attempted forcible sodomy, or any class A felony may be commenced at any time.

3 2. Except as otherwise provided in this section, prosecutions for other offenses must be  
4 commenced within the following periods of limitation:

5 (1) For any felony, three years, except as provided in subdivision (4) of this subsection;

6 (2) For any misdemeanor, one year;

7 (3) For any infraction, six months;

8 (4) For any violation of section 569.040, when classified as a class B felony, or any  
9 violation of section 569.050 or 569.055, five years.

10 3. If the period prescribed in subsection 2 of this section has expired, a prosecution may  
11 nevertheless be commenced for:

12 (1) Any offense a material element of which is either fraud or a breach of fiduciary  
13 obligation within one year after discovery of the offense by an aggrieved party or by a person  
14 who has a legal duty to represent an aggrieved party and who is himself or herself not a party to  
15 the offense, but in no case shall this provision extend the period of limitation by more than three  
16 years. As used in this subdivision, the term "person who has a legal duty to represent an  
17 aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having  
18 jurisdiction pursuant to section 407.553, for purposes of offenses committed pursuant to sections  
19 407.511 to 407.556; and

20 (2) Any offense based upon misconduct in office by a public officer or employee at any  
21 time when the [defendant] **person** is in public office or employment or within two years  
22 thereafter, but in no case shall this provision extend the period of limitation by more than three  
23 years; and

24 (3) Any offense based upon an intentional and willful fraudulent claim of child support  
25 arrearage to a public servant in the performance of his or her duties within one year after  
26 discovery of the offense, but in no case shall this provision extend the period of limitation by  
27 more than three years.

28 4. An offense is committed either when every element occurs, or, if a legislative purpose  
29 to prohibit a continuing course of conduct plainly appears, at the time when the course of  
30 conduct or the [defendant's] **person's** complicity therein is terminated. Time starts to run on the  
31 day after the offense is committed.

32 5. A prosecution is commenced for a misdemeanor or infraction when the information  
33 is filed and for a felony when the complaint or indictment is filed.

34           6. The period of limitation does not run:

35           (1) During any time when the accused is absent from the state, but in no case shall this  
36 provision extend the period of limitation otherwise applicable by more than three years; or

37           (2) During any time when the accused is concealing himself from justice either within  
38 or without this state; or

39           (3) During any time when a prosecution against the accused for the offense is pending  
40 in this state; or

41           (4) During any time when the accused is found to lack mental fitness to proceed pursuant  
42 to section 552.020.

          556.037. Notwithstanding the provisions of section 556.036, prosecutions for unlawful  
2 sexual offenses involving a person eighteen years of age or under must be commenced within  
3 thirty years after the victim reaches the age of eighteen [unless] , **and the following** prosecutions  
4 [are for forcible rape, attempted forcible rape, forcible sodomy, kidnapping, or attempted forcible  
5 sodomy in which case such prosecutions may be commenced at any time] **may be commenced**  
6 **at any time:**

7           **(1) Kidnapping;**

8           **(2) An offense committed on after August 28, 2012, of rape in the first degree,**  
9 **attempted rape in the first degree, sodomy in the first degree, attempted sodomy in the first**  
10 **degree, attempted forcible sodomy; or**

11           **(3) An offense committed prior to August 28, 2012, of forcible rape, attempted**  
12 **forcible rape, forcible sodomy, or attempted forcible sodomy.**

          [565.255.] **556.038.** Notwithstanding the provisions of section 556.036, either  
2 misdemeanor or felony prosecutions under sections [565.250] **565.252** to 565.257 shall be  
3 commenced within the following periods of limitation:

4           (1) Three years from the date the viewing, photographing or filming occurred; or

5           (2) If the person who was viewed, photographed or filmed did not realize at the time that  
6 he was being viewed, photographed or filmed, within three years of the time the person who was  
7 viewed or in the photograph or film first learns that he was viewed, photographed or filmed.

          556.041. When the same conduct of a person may establish the commission of more than  
2 one offense he **or she** may be prosecuted for each such offense. [He] **Such person** may not,  
3 however, be convicted of more than one offense if:

4           (1) One offense is included in the other, as defined in section 556.046; or

5           (2) Inconsistent findings of fact are required to establish the commission of the offenses;  
6 or

7           (3) The offenses differ only in that one is defined to prohibit a designated kind of  
8 conduct generally and the other to prohibit a specific instance of such conduct; or

9 (4) The offense is defined as a continuing course of conduct and the person's course of  
10 conduct was uninterrupted, unless the law provides that specific periods of such conduct  
11 constitute separate offenses.

556.046. 1. A [defendant] **person** may be convicted of an offense included in an offense  
2 charged in the indictment or information. An offense is so included when:

3 (1) It is established by proof of the same or less than all the facts required to establish  
4 the commission of the offense charged; or

5 (2) It is specifically denominated by statute as a lesser degree of the offense charged; or

6 (3) It consists of an attempt to commit the offense charged or to commit an offense  
7 otherwise included therein.

8 2. The court shall not be obligated to charge the jury with respect to an included offense  
9 unless there is a basis for a verdict acquitting the [defendant] **person** of the offense charged and  
10 convicting him of the included offense. An offense is charged for purposes of this section if:

11 (1) It is in an indictment or information; or

12 (2) It is an offense submitted to the jury because there is a basis for a verdict acquitting  
13 the [defendant] **person** of the offense charged and convicting the [defendant] **person** of the  
14 included offense.

15 3. The court shall be obligated to instruct the jury with respect to a particular included  
16 offense only if there is a basis in the evidence for acquitting the [defendant] **person** of the  
17 immediately higher included offense and there is a basis in the evidence for convicting the  
18 [defendant] **person** of that particular included offense.

556.061. In this code, unless the context requires a different definition, the following  
2 [shall apply] **terms shall mean:**

3 (1) **"Access", to instruct, communicate with, store data in, retrieve or extract data**  
4 **from, or otherwise make any use of any resources of, a computer, computer system, or**  
5 **computer network;**

6 (2) **"Affirmative defense"** [has the meaning specified in section 556.056] :

7 (a) **The defense referred to is not submitted to the trier of fact unless supported by**  
8 **evidence; and**

9 (b) **If the defense is submitted to the trier of fact the defendant has the burden of**  
10 **persuasion that the defense is more probably true than not;**

11 [(2)] (3) **"Burden of injecting the issue"** [has the meaning specified in section 556.051]  
12 :

13 (a) **The issue referred to is not submitted to the trier of fact unless supported by**  
14 **evidence; and**

15 (b) **If the issue is submitted to the trier of fact any reasonable doubt on the issue**  
16 **requires a finding for the defendant on that issue;**



17           [(3)] (4) "Commercial film and photographic print processor", any person who develops  
18 exposed photographic film into negatives, slides or prints, or who makes prints from negatives  
19 or slides, for compensation. The term commercial film and photographic print processor shall  
20 include all employees of such persons but shall not include a person who develops film or makes  
21 prints for a public agency;

22           (5) "Computer", the box that houses the central processing unit (cpu), along with  
23 any internal storage devices, such as internal hard drives, and internal communication  
24 devices, such as internal modems capable of sending or receiving electronic mail or fax  
25 cards, along with any other hardware stored or housed internally. Thus, computer refers  
26 to hardware, software and data contained in the main unit. Printers, external modems  
27 attached by cable to the main unit, monitors, and other external attachments will be  
28 referred to collectively as peripherals and discussed individually when appropriate. When  
29 the computer and all peripherals are referred to as a package, the term "computer system"  
30 is used. Information refers to all the information on a computer system including both  
31 software applications and data;

32           (6) "Computer equipment", includes computers, terminals, data storage devices,  
33 and all other computer hardware associated with a computer system or network;

34           (7) "Computer hardware", includes all equipment which can collect, analyze,  
35 create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar  
36 computer impulses or data. Hardware includes, but is not limited to, any data processing  
37 devices, such as central processing units, memory typewriters and self-contained laptop or  
38 notebook computers; internal and peripheral storage devices, transistor-like binary devices  
39 and other memory storage devices, such as floppy disks, removable disks, compact disks,  
40 digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area  
41 networks, such as two or more computers connected together to a central computer server  
42 via cable or modem; peripheral input or output devices, such as keyboards, printers,  
43 scanners, plotters, video display monitors and optical readers; and related communication  
44 devices, such as modems, cables and connections, recording equipment, RAM or ROM  
45 units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing  
46 or signaling devices and electronic tone-generating devices; as well as any devices,  
47 mechanisms or parts that can be used to restrict access to computer hardware, such as  
48 physical keys and locks;

49           (8) "Computer network", a complex consisting of two or more interconnected  
50 computers or computer systems;

51           (9) "Computer program", a set of instructions, statements, or related data that  
52 directs or is intended to direct a computer to perform certain functions;

53           (10) "Computer software", digital information which can be interpreted by a  
54 computer and any of its related components to direct the way they work. Software is

55 stored in electronic, magnetic, optical or other digital form. The term commonly includes  
56 programs to run operating systems and applications, such as word processing, graphic, or  
57 spreadsheet programs, utilities, compilers, interpreters and communications programs;

58 (11) "Computer-related documentation", includes written, recorded, printed or  
59 electronically stored material which explains or illustrates how to configure or use  
60 computer hardware, software or other related items;

61 (12) "Computer system", a set of related, connected or unconnected, computer  
62 equipment, data, or software;

63 [(4)] (13) "Confinement":

64 (a) A person is in confinement when [such person] **he or she** is held in a place of  
65 confinement pursuant to arrest or order of a court, and remains in confinement until:

66 a. A court orders the person's release; or

67 b. The person is released on bail, bond, or recognizance, personal or otherwise; or

68 c. A public servant having the legal power and duty to confine the person authorizes his  
69 release without guard and without condition that he return to confinement;

70 (b) A person is not in confinement if:

71 a. The person is on probation or parole, temporary or otherwise; or

72 b. The person is under sentence to serve a term of confinement which is not continuous,  
73 or is serving a sentence under a work-release program, and in either such case is not being held  
74 in a place of confinement or is not being held under guard by a person having the legal power  
75 and duty to transport the person to or from a place of confinement;

76 [(5)] (14) "Consent": consent or lack of consent may be expressed or implied. Assent  
77 does not constitute consent if:

78 (a) It is given by a person who lacks the mental capacity to authorize the conduct charged  
79 to constitute the offense and such mental incapacity is manifest or known to the actor; or

80 (b) It is given by a person who by reason of youth, mental disease or defect, or  
81 intoxication, is manifestly unable or known by the actor to be unable to make a reasonable  
82 judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

83 (c) It is induced by force, duress or deception;

84 (15) "Controlled substance", a drug substance, or immediate precursor in schedule  
85 I through V as defined in this chapter;

86 [(6)] (16) "Criminal negligence" [has the meaning specified in section 562.016], **failure**  
87 **to be aware of a substantial and unjustifiable risk that circumstances exist or a result will**  
88 **follow, and such failure constitutes a gross deviation from the standard of care which a**  
89 **reasonable person would exercise in the situation;**

90 [(7)] (17) "Custody", a person is in custody when [the person] **he or she** has been  
91 arrested but has not been delivered to a place of confinement;

92           **(18) "Damage", when used in relation to a computer system or network, means any**  
93 **alteration, deletion, or destruction of any part of the computer system or network;**

94           [(8)] **(19) "Dangerous felony" [means] , the felonies of arson in the first degree, assault**  
95 **in the first degree, [attempted forcible rape if physical injury results, attempted forcible sodomy**  
96 **if physical injury results, forcible rape, forcible sodomy,] assault in the second degree if the**  
97 **victim of such assault is a special victim as defined in subdivision (14) of section 565.002,**  
98 **attempted rape in the first degree if injury results, attempted sodomy in the first degree if**  
99 **injury results, rape in the first degree, sodomy in the first degree, kidnapping, murder in the**  
100 **second degree, [assault of a law enforcement officer in the first degree,] domestic assault in the**  
101 **first degree, [elder abuse in the first degree,] robbery in the first degree, statutory rape in the first**  
102 **degree when the victim is a child less than twelve years of age at the time of the commission of**  
103 **the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child**  
104 **less than twelve years of age at the time of the commission of the act giving rise to the offense,**  
105 **child molestation in the first degree, and, abuse of a child pursuant to subdivision (2) of**  
106 **subsection [3] 2 of section 568.060, child kidnapping, and [parental kidnapping committed by**  
107 **detaining or concealing the whereabouts of the child for not less than one hundred twenty days**  
108 **under section 565.153] driving while intoxicated if the person is found to be a habitual**  
109 **offender as the term "habitual offender is defined under subdivision (10) of subsection 5**  
110 **of section 577.001, and offenses committed before August 28, 2012, of attempted forcible**  
111 **rape if physical injury results, attempted forcible sodomy if physical injury results, forcible**  
112 **rape, forcible sodomy, assault of a law enforcement officer in the first degree, and first**  
113 **degree elder abuse;**

114           [(9)] **(20) "Dangerous instrument" [means] , any instrument, article or substance, which,**  
115 **under the circumstances in which it is used, is readily capable of causing death or other serious**  
116 **physical injury;**

117           **(21) "Data", a representation of information, facts, knowledge, concepts, or**  
118 **instructions prepared in a formalized or other manner and intended for use in a computer**  
119 **or computer network. Data may be in any form including, but not limited to, printouts,**  
120 **microfiche, magnetic storage media, punched cards and as may be stored in the memory**  
121 **of a computer;**

122           [(10)] **(22) "Deadly weapon" [means] , any firearm, loaded or unloaded, or any weapon**  
123 **from which a shot, readily capable of producing death or serious physical injury, may be**  
124 **discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;**

125           **(23) "Digital camera", a camera that records images in a format which enables the**  
126 **images to be downloaded into a computer;**

127           **(24) "Disabled person", any person suffering from a mental or physical impairment**  
128 **that substantially limits one or more major life activities, whether the impairment is**

129 **congenital or acquired by accident, injury or disease, where such impairment is verified**  
130 **by medical findings;**

131 [(11)] **(25) "Felony" [has the meaning specified in section 556.016] , an offense so**  
132 **designated or an offense for which persons found guilty thereof may be sentenced to death**  
133 **or imprisonment for a term of more than one year;**

134 **(26) "Elderly person", a person seventy years of age or older;**

135 [(12)] **(27) "Forcible compulsion" means either:**

136 (a) Physical force that overcomes reasonable resistance; or

137 (b) A threat, express or implied, that places a person in reasonable fear of death, serious  
138 physical injury or kidnapping of such person or another person;

139 [(13)] **(28) "Incapacitated" [means that] , a temporary or permanent** physical or  
140 mental condition, [temporary or permanent,] in which a person is unconscious, unable to appraise  
141 the nature of [such person's] **his or her** conduct, or unable to communicate unwillingness to an  
142 act. A person is not incapacitated with respect to an act committed upon such person if he or she  
143 became unconscious, unable to appraise the nature of [such person's] **his or her** conduct or  
144 unable to communicate unwillingness to an act, after consenting to the act;

145 [(14)] **(29) "Infraction" [has the meaning specified in section 556.021] , a violation**  
146 **defined by this code or by any other statute of this state constitutes an infraction if it is so**  
147 **designated or if no other sentence than a fine, or fine and forfeiture or other civil penalty**  
148 **is authorized upon conviction;**

149 [(15)] **(30) "Inhabitable structure" [has the meaning specified in section 569.010] a**  
150 **vehicle, vessel or structure:**

151 (a) **Where any person lives or carries on business or other calling; or**

152 (b) **Where people assemble for purposes of business, government, education,**  
153 **religion, entertainment, or public transportation; or**

154 (c) **Which is used for overnight accommodation of persons. Any such vehicle or**  
155 **structure is "inhabitable" regardless of whether a person is actually present;**

156 (d) **If a building or structure is divided into separately occupied units, any unit not**  
157 **occupied by the actor is an "inhabitable structure of another";**

158 [(16)] **(31) "Knowingly" [has the meaning specified in section 562.016] , when used**  
159 **with respect to:**

160 (a) **Conduct or to attendant circumstances, means a person is aware of the nature**  
161 **of his or conduct or that those circumstances exist; or**

162 (b) **A result of conduct, means a person is aware that his or her conduct is**  
163 **practically certain to cause that result;**

164 [(17)] **(32) "Law enforcement officer" [means] , any public servant having both the**  
165 **power and duty to make arrests for violations of the laws of this state, and federal law**

166 enforcement officers authorized to carry firearms and to make arrests for violations of the laws  
167 of the United States;

168 [(18)] (33) "Misdemeanor" [has the meaning specified in section 556.016] , **an offense**  
169 **so designated or an offense for which persons found guilty thereof may be sentenced to**  
170 **imprisonment for a term of which the maximum is one year or less;**

171 [(19)] (34) "Offense" [means] , any felony[,] or misdemeanor [or infraction];

172 (35) "Of another", **property that any entity, including but not limited to any**  
173 **natural person, corporation, limited liability company, partnership, association,**  
174 **governmental subdivision or instrumentality, other than the actor, has a possessory or**  
175 **proprietary interest therein, except that property shall not be deemed property of another**  
176 **who has only a security interest therein, even if legal title is in the creditor pursuant to a**  
177 **conditional sales contract or other security arrangement;**

178 [(20)] (36) "Physical injury" [means physical pain, illness, or any impairment of physical  
179 condition] , **slight impairment of any function of the body or temporary loss of use of any**  
180 **part of the body;**

181 [(21)] (37) "Place of confinement" [means] , any building or facility and the grounds  
182 thereof wherein a court is legally authorized to order that a person charged with or convicted of  
183 a crime be held;

184 [(22)] (38) "Possess" or "possessed" [means] , having actual or constructive possession  
185 of an object with knowledge of its presence. A person has actual possession if such person has  
186 the object on his or her person or within easy reach and convenient control. A person has  
187 constructive possession if such person has the power and the intention at a given time to exercise  
188 dominion or control over the object either directly or through another person or persons.  
189 Possession may also be sole or joint. If one person alone has possession of an object, possession  
190 is sole. If two or more persons share possession of an object, possession is joint;

191 (39) "Property", **anything of value, whether real or personal, tangible or intangible,**  
192 **in possession or in action;**

193 [(23)] (40) "Public servant" [means] , any person employed in any way by a government  
194 of this state who is compensated by the government by reason of such person's employment, any  
195 person appointed to a position with any government of this state, or any person elected to a  
196 position with any government of this state. It includes, but is not limited to, legislators, jurors,  
197 members of the judiciary and law enforcement officers. It does not include witnesses;

198 [(24)] (41) "Purposely" [has the meaning specified in section 562.016] , **when used with**  
199 **respect to a person's conduct or to a result thereof, means when it is his or her conscious**  
200 **object to engage in that conduct or to cause that result;**

201 [(25)] (42) "Recklessly" [has the meaning specified in section 562.016] , **consciously**  
202 **disregarding a substantial and unjustifiable risk that circumstances exist or that a result**

203 **will follow, and such disregard constitutes a gross deviation from the standard of care**  
204 **which a reasonable person would exercise in the situation;**

205 [(26) "Ritual" or "ceremony" means an act or series of acts performed by two or more  
206 persons as part of an established or prescribed pattern of activity;

207 (27)] **(43) "Serious emotional injury"**, an injury that creates a substantial risk of  
208 temporary or permanent medical or psychological damage, manifested by impairment of a  
209 behavioral, cognitive or physical condition. Serious emotional injury shall be established by  
210 testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable  
211 degree of medical or psychological certainty;

212 [(28)] **(44) "Serious physical injury"** [means] , physical injury that creates a substantial  
213 risk of death or that causes serious disfigurement or protracted loss or impairment of the function  
214 of any part of the body;

215 [(29) "Sexual conduct" means acts of human masturbation; deviate sexual intercourse;  
216 sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area,  
217 buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

218 (30) "Sexual contact" means any touching of the genitals or anus of any person, or the  
219 breast of any female person, or any such touching through the clothing, for the purpose of  
220 arousing or gratifying sexual desire of any person;

221 (31) "Sexual performance", any performance, or part thereof, which includes sexual  
222 conduct by a child who is less than seventeen years of age;]

223 **(45) "Services", when used in relation to a computer system or network, means use**  
224 **of a computer, computer system, or computer network and includes, but is not limited to,**  
225 **computer time, data processing, and storage or retrieval functions;**

226 **(46) "Sexual orientation", male or female heterosexuality, homosexuality or**  
227 **bisexuality by inclination, practice, identity or expression, or having a self-image or**  
228 **identity not traditionally associated with one's gender;**

229 **(47) "Vehicle", a self-propelled mechanical device designed to carry a person or**  
230 **persons, excluding vessels or aircraft;**

231 **(48) "Vessel", any boat or craft propelled by a motor or by machinery, whether or**  
232 **not such motor or machinery is a principal source of propulsion used or capable of being**  
233 **used as a means of transportation on water, or any boat or craft more than twelve feet in**  
234 **length which is powered by sail alone or by a combination of sail and machinery, and used**  
235 **or capable of being used as a means of transportation on water, but not any boat or craft**  
236 **having, as the only means of propulsion, a paddle or oars;**

237 [(32)] **(49) "Voluntary act"** [has the meaning specified in section 562.011] :

238 **(a) A bodily movement performed while conscious as a result of effort or**  
239 **determination. Possession is a voluntary act if the possessor knowingly procures or**

receives the thing possessed, or having acquired control of it was aware of his control for a sufficient time to have enabled him to dispose of it or terminate his control; or

(b) An omission to perform an act of which the actor is physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law.

[565.100.] **556.101.** 1. It is an element of the offenses described in sections 565.110 [through 565.130 of this chapter] **to 565.130** that the confinement, movement or restraint be committed without the consent of the victim.

2. Lack of consent results from:

(1) Forcible compulsion; or

(2) Incapacity to consent.

3. A person is deemed incapable of consent if he is

(1) Less than fourteen years [old] **of age**; or

(2) Incapacitated.

557.016. 1. Felonies are classified for the purpose of sentencing into the following [four] **five** categories:

(1) Class A felonies;

(2) Class B felonies;

(3) Class C felonies; [and]

(4) Class D felonies; **and**

**(5) Class E felonies.**

2. Misdemeanors are classified for the purpose of sentencing into the following [three] **four** categories:

(1) Class A misdemeanors;

(2) Class B misdemeanors; [and]

(3) Class C misdemeanors; **and**

**(4) Class D misdemeanors.**

3. Infractions are not further classified.

557.021. 1. Any offense defined outside this code which is declared to be a misdemeanor without specification of the penalty therefor is a class A misdemeanor.

2. Any offense defined outside this code which is declared to be a felony without specification of the penalty therefor is a class [D] **E** felony.

3. For the purpose of applying the extended term provisions of section 558.016 and the minimum prison term provisions of section 558.019 and for determining the penalty for attempts and conspiracies, offenses defined outside of this code shall be classified as follows:

(1) If the offense is a felony:

- 9 (a) It is a class A felony if the authorized penalty includes death, life imprisonment or  
10 imprisonment for a term of twenty years or more;
- 11 (b) It is a class B felony if the maximum term of imprisonment authorized exceeds ten  
12 years but is less than twenty years;
- 13 (c) It is a class C felony if the maximum term of imprisonment authorized is ten years;
- 14 (d) It is a class D felony if the maximum term of imprisonment is less than ten years;
- 15 **(e) It is a class E felony if the maximum term of imprisonment is four years;**
- 16 (2) If the offense is a misdemeanor:
- 17 (a) It is a class A misdemeanor if the authorized imprisonment exceeds six months in  
18 jail;
- 19 (b) It is a class B misdemeanor if the authorized imprisonment exceeds thirty days but  
20 is not more than six months;
- 21 (c) It is a class C misdemeanor if the authorized imprisonment is thirty days or less;
- 22 **(d) It is a class D misdemeanor if it includes a mental state as an element of the**  
23 **offense and there is no authorized imprisonment;**
- 24 **(e) It is an infraction if there is no authorized imprisonment.**

557.026. 1. When a probation officer is available to any court, such probation officer  
2 shall, unless waived by the defendant, [make] **conduct** a presentence investigation in all felony  
3 cases and **make a sentencing assessment** report to the court before any authorized disposition  
4 [under] **is made pursuant to** section 557.011. In all class A misdemeanor cases a probation  
5 officer shall, if directed by the court, [make] **conduct** a presentence investigation and **make a**  
6 **sentencing assessment** report to the court before any authorized disposition [under] **is made**  
7 **pursuant to** section 557.011. The report shall not be submitted to the court or its contents  
8 disclosed to anyone until the defendant has [pleaded guilty or] been found guilty.

9 2. The [presentence investigation] **sentencing assessment** report shall be prepared,  
10 presented and utilized as provided by rule of court, except that no court shall prevent the  
11 defendant or the attorney for the defendant from having access to the complete [presentence  
12 investigation] **sentencing assessment** report and recommendations before any authorized  
13 disposition [under] **is made pursuant to** section 557.011.

14 3. The defendant shall not be obligated to make any statement to a probation officer in  
15 connection with any [presentence investigation hereunder] **sentencing assessment report**.

16 4. When the jury enters a finding of [guilty] **guilt** and assesses punishment, the probation  
17 officer shall, as part of the presentence investigation, inquire of the victim of the offense for  
18 which such punishment was assessed of the facts of the offense and any personal injury or  
19 financial loss incurred by the victim. If the victim is dead or otherwise unable to make a  
20 statement, the probation officer shall attempt to obtain such information from a member of the  
21 immediate family of the victim.



557.031. 1. In felony cases where the circumstances surrounding the commission of the [crime] **offense** or other circumstances brought to the attention of the court indicate a strong likelihood that the defendant is suffering from a mental disease or disorder, and the court desires more detailed information about the defendant's mental condition before making an authorized disposition under section 557.011, it may order the commitment of the defendant for mental examination.

2. The court may commit the defendant to a facility of the department of mental health or to a hospital and order the defendant examined by such person or persons as the court or that department or hospital may designate. The cost of guarding and transporting any confined defendant to and from any such facility or other place of examination shall be borne by the county. Any commitment shall be for a period not exceeding thirty days unless extended by the order of the court.

3. Within forty days after the order the person or persons making such examination or examinations shall transmit to the court a report thereof including answers to any specific questions submitted by the court. The clerk of the court shall immediately supply copies of the report to the prosecuting attorney and to the defendant or his attorney.

4. Any period of commitment to a facility of the department of mental health or to a hospital for the purpose of this section shall be credited against any term of imprisonment imposed upon the defendants.

557.035. 1. For all violations of subdivision (1) of subsection 1 of section 569.100 or [subdivision (1), (2), (3), (4), (6), (7) or (8) of] subsection 1 of section [571.030] **571.031, subdivision (2) of subsection 1 of section 571.033, subsection 1 of section 571.034, section 571.036, or subdivision (2) of subsection 1 of section 571.038**, which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the [crime or crimes] **offense or offenses** under this section, and the violation is a class [C] **D** felony.

2. For all violations of section [565.070] **565.054**; subdivisions (1), (3) and (4) of subsection 1 of section 565.090; subdivision (1) of subsection 1 of section 569.090; subdivision (1) of subsection 1 of section 569.120; section 569.140; or section 574.050; which the state believes to be knowingly motivated because of race, color, religion, national origin, sex, sexual orientation or disability of the victim or victims, the state may charge the [crime or crimes] **offense or offenses** under this section, and the violation is a class [D] **E** felony.

3. The court shall assess punishment in all of the cases in which the state pleads and proves any of the motivating factors listed in this section.

[4. For the purposes of this section, the following terms mean:

(1) "Disability", a physical or mental impairment which substantially limits one or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment; and

20 (2) "Sexual orientation", male or female heterosexuality, homosexuality or bisexuality  
21 by inclination, practice, identity or expression, or having a self-image or identity not traditionally  
22 associated with one's gender.]

557.036. 1. Upon a finding of guilt [upon verdict or plea], the court shall decide the  
2 extent or duration of sentence or other disposition to be imposed under all the circumstances,  
3 having regard to the nature and circumstances of the offense and the history and character of the  
4 defendant and render judgment accordingly.

5 2. Where an offense is submitted to the jury, the trial shall proceed in two stages. At the  
6 first stage, the jury shall decide only whether the defendant is guilty or not guilty of any  
7 submitted offense. The issue of punishment shall not be submitted to the jury at the first stage.

8 3. If the jury at the first stage of a trial finds the defendant guilty of the submitted  
9 offense, the second stage of the trial shall proceed. The issue at the second stage of the trial shall  
10 be the punishment to be assessed and declared. Evidence supporting or mitigating punishment  
11 may be presented. Such evidence may include, within the discretion of the court, evidence  
12 concerning the impact of the [crime] **offense** upon the victim, the victim's family and others, the  
13 nature and circumstances of the offense, and the history and character of the defendant. Rebuttal  
14 and surrebuttal evidence may be presented. The state shall be the first to proceed. The court  
15 shall instruct the jury as to the range of punishment authorized by statute for each submitted  
16 offense. The attorneys may argue the issue of punishment to the jury, and the state shall have  
17 the right to open and close the argument. The jury shall assess and declare the punishment as  
18 authorized by statute.

19 4. A second stage of the trial shall not proceed and the court, and not the jury, shall  
20 assess punishment if:

21 (1) The defendant requests in writing, prior to voir dire, that the court assess the  
22 punishment in case of a finding of guilt; or

23 (2) The state pleads and proves the defendant is a prior offender, persistent offender,  
24 dangerous offender, or persistent misdemeanor offender as defined in section 558.016, **or** a  
25 persistent sexual offender **or predatory sexual offender** as defined in section [558.018, or a  
26 predatory sexual offender as defined in section 558.018] **566.125**. If the jury cannot agree on the  
27 punishment to be assessed, the court shall proceed as provided in subsection 1 of this section.  
28 If, after due deliberation by the jury, the court finds the jury cannot agree on punishment, then  
29 the court may instruct the jury that if it cannot agree on punishment that the court will assess  
30 punishment.

31 5. If the jury returns a verdict of guilty in the first stage and declares a term of  
32 imprisonment in the second stage, the court shall proceed as provided in subsection 1 of this  
33 section except that any term of imprisonment imposed cannot exceed the term declared by the  
34 jury unless the term declared by the jury is less than the authorized lowest term for the offense,

35 in which event the court cannot impose a term of imprisonment greater than the lowest term  
36 provided for the offense.

37 6. If the defendant is found to be a prior offender, persistent offender, dangerous offender  
38 or persistent misdemeanor offender as defined in section 558.016:

39 (1) If he has been found guilty of an offense, the court shall proceed as provided in  
40 section 558.016; or

41 (2) If he has been found guilty of a class A felony, the court may impose any sentence  
42 authorized for the class A felony.

43 7. The court shall not seek an advisory verdict from the jury in cases of prior offenders,  
44 persistent offenders, dangerous offenders, persistent sexual offenders or predatory sexual  
45 offenders; if an advisory verdict is rendered, the court shall not deem it advisory, but shall  
46 consider it as mere surplusage.

**557.051. 1. A person who has been found guilty of an offense under chapter 566,  
2 or any sex offense involving a child under chapters 568 and 573, and who is granted a  
3 suspended imposition or execution of sentence or placed under the supervision of the board  
4 of probation and parole shall be required to participate in and successfully complete a  
5 program of treatment, education and rehabilitation designed for perpetrators of sexual  
6 offenses. Persons required to attend a program pursuant to this section shall be required  
7 to follow all directives of the treatment program provider, and may be charged a  
8 reasonable fee to cover the costs of such program.**

9 **2. A person who provides assessment services or who makes a report, finding, or  
10 recommendation for any offender to attend any counseling or program of treatment,  
11 education or rehabilitation as a condition or requirement of probation following a finding  
12 of guilt for an offense under chapter 566, or any sex offense involving a child under  
13 chapters 568 and 573, shall not be related within the third degree of consanguinity or  
14 affinity to any person who has a financial interest, whether direct or indirect, in the  
15 counseling or program of treatment, education or rehabilitation or any financial interest,  
16 whether direct or indirect, in any private entity which provides the counseling or program  
17 of treatment, education or rehabilitation. A person who violates this subsection shall  
18 thereafter:**

19 **(1) Immediately remit to the state of Missouri any financial income gained as a  
20 direct or indirect result of the action constituting the violation;**

21 **(2) Be prohibited from providing assessment or counseling services or any program  
22 of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in  
23 contract with the state board of probation and parole or any office thereof; and**

24 **(3) Be prohibited from having any financial interest, whether direct or indirect, in  
25 any private entity which provides assessment or counseling services or any program of**

26 treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in  
27 contract with the state board of probation and parole or any office thereof.

28 3. The provisions of subsection 2 of this section shall not apply when the  
29 department of corrections has identified only one qualified service provider within  
30 reasonably accessible distance from the offender or when the only providers available  
31 within a reasonable distance are related within the third degree of consanguinity or affinity  
32 to any person who has a financial interest in the service provider.

[560.011.] **558.002. 1. Except as otherwise provided for an offense outside this code,**  
2 a person who has been convicted of [a class C or D felony] **an offense** may be sentenced  
3 [(1)] to pay a fine which does not exceed [five thousand dollars; or  
4 (2)] :  
5 (1) For a class C, D, or E felony, ten thousand dollars;  
6 (2) For a class A misdemeanor, two thousand dollars;  
7 (3) For a class B misdemeanor, one thousand dollars;  
8 (4) For a class C misdemeanor, seven hundred fifty dollars;  
9 (5) For a class D misdemeanor, five hundred dollars;  
10 (6) For an infraction, four hundred dollars; or  
11 (7) If the [offender] **person** has gained money or property through the commission of  
12 the [crime] **offense**, to pay an amount, fixed by the court, not exceeding double the amount of  
13 the [offender's] **person's** gain from the commission of the [crime. An individual offender may  
14 be fined not more than twenty thousand dollars under this provision] **offense**.

15 2. A sentence to pay a fine, when imposed on a corporation for an offense defined  
16 in this code or for any offense defined outside this code for which no specific corporate fine  
17 is specified, shall be a sentence to pay an amount, fixed by the court, which does not  
18 exceed:

19 (1) For a felony, twenty thousand dollars;  
20 (2) For a misdemeanor, ten thousand dollars;  
21 (3) For an infraction, one thousand dollars; or  
22 (4) If the corporation has gained money or property through the commission of the  
23 offense, to pay an amount, fixed by the court, not exceeding double the amount of the  
24 corporation's gain from the commission of the offense.

25 3. As used in this section the term "gain" means the amount of money or the value of  
26 property derived from the commission of the [crime] **offense**. The amount of money or value  
27 of property returned to the victim of the [crime] **offense** or seized by or surrendered to lawful  
28 authority prior to the time sentence is imposed shall be deducted from the fine. When the court  
29 imposes a fine based on gain the court shall make a finding as to the amount of the offender's  
30 gain from the crime. If the record does not contain sufficient evidence to support such a finding,  
31 the court may conduct a hearing upon the issue.

32 [3. The provisions of this section shall not apply to corporations.]

[560.026.] **558.004.** 1. In determining the amount and the method of payment of a fine,  
2 the court shall, insofar as practicable, proportion the fine to the burden that payment will impose  
3 in view of the financial resources of an individual. The court shall not sentence an offender to  
4 pay a fine in any amount which will prevent him **or her** from making restitution or reparation  
5 to the victim of the offense.

6 2. When any other disposition is authorized by statute, the court shall not sentence an  
7 individual to pay a fine only unless, having regard to the nature and circumstances of the offense  
8 and the history and character of the offender, it is of the opinion that the fine alone will suffice  
9 for the protection of the public.

10 3. The court shall not sentence an individual to pay a fine in addition to any other  
11 sentence authorized by section 557.011 unless

12 (1) He **or she** has derived a pecuniary gain from the offense; or

13 (2) The court is of the opinion that a fine is uniquely adapted to deterrence of the type  
14 of offense involved or to the correction of the defendant.

15 4. When an offender is sentenced to pay a fine, the court may provide for the payment  
16 to be made within a specified period of time or in specified installments. If no such provision  
17 is made a part of the sentence, the fine shall be payable forthwith.

18 5. When an offender is sentenced to pay a fine, the court shall not impose at the same  
19 time an alternative sentence to be served in the event that the fine is not paid. The response of  
20 the court to nonpayment shall be determined only after the fine has not been paid, as provided  
21 in section [560.031] **558.006.**

[560.031.] **558.006.** 1. When an offender sentenced to pay a fine defaults in the payment  
2 of the fine or in any installment, the court upon motion of the prosecuting attorney or upon its  
3 own motion may require him **or her** to show cause why he **or she** should not be imprisoned for  
4 nonpayment. The court may issue a warrant of arrest or a summons for his **or her** appearance.

5 2. Following an order to show cause under subsection 1 **of this section**, unless the  
6 offender shows that his **or her** default was not attributable to an intentional refusal to obey the  
7 sentence of the court, or not attributable to a failure on his **or her** part to make a good faith effort  
8 to obtain the necessary funds for payment, the court may order the defendant imprisoned for a  
9 term not to exceed one hundred eighty days if the fine was imposed for conviction of a felony  
10 or thirty days if the fine was imposed for conviction of a misdemeanor or infraction. The court  
11 may provide in its order that payment or satisfaction of the fine at any time will entitle the  
12 offender to his **or her** release from such imprisonment or, after entering the order, may at any  
13 time reduce the sentence for good cause shown, including payment or satisfaction of the fine.

14 3. If it appears that the default in the payment of a fine is excusable under the standards  
15 set forth in subsection 2 **of this section**, the court may enter an order allowing the offender

16 additional time for payment, reducing the amount of the fine or of each installment, or revoking  
17 the fine or the unpaid portion in whole or in part.

18 4. When a fine is imposed on a corporation it is the duty of the person or persons  
19 authorized to make disbursement of the assets of the corporation and their superiors to pay the  
20 fine from the assets of the corporation. The failure of such persons to do so shall render them  
21 subject to imprisonment under subsections 1 and 2 **of this section**.

22 5. Upon default in the payment of a fine or any installment thereof, the fine may be  
23 collected by any means authorized for the enforcement of money judgments.

[560.036.] **558.008.** A defendant who has been sentenced to pay a fine may at any time  
2 petition the sentencing court for a revocation of a fine or any unpaid portion thereof. If it appears  
3 to the satisfaction of the court that the circumstances which warranted the imposition of the fine  
4 no longer exist or that it would otherwise be unjust to require payment of the fine, the court may  
5 revoke the fine or the unpaid portion in whole or in part or may modify the method of payment.

558.011. 1. The authorized terms of imprisonment, including both prison and  
2 conditional release terms, are:

3 (1) For a class A felony, a term of years not less than ten years and not to exceed thirty  
4 years, or life imprisonment;

5 (2) For a class B felony, a term of years not less than five years and not to exceed fifteen  
6 years;

7 (3) For a class C felony, a term of years **not less than three years and** not to exceed  
8 [seven] **ten** years;

9 (4) For a class D felony, a term of years not to exceed [four] **seven** years;

10 (5) **For a class E felony, a term of years not to exceed four years;**

11 **(6)** For a class A misdemeanor, a term not to exceed one year;

12 [(6)] **(7)** For a class B misdemeanor, a term not to exceed six months;

13 [(7)] **(8)** For a class C misdemeanor, a term not to exceed fifteen days.

14 2. In cases of class [C and] D **and E** felonies, the court shall have discretion to imprison  
15 for a special term not to exceed one year in the county jail or other authorized penal institution,  
16 and the place of confinement shall be fixed by the court. If the court imposes a sentence of  
17 imprisonment for a term longer than one year upon a person convicted of a class [C or] D **or E**  
18 felony, it shall commit the person to the custody of the department of corrections [for a term of  
19 years not less than two years and not exceeding the maximum authorized terms provided in  
20 subdivisions (3) and (4) of subsection 1 of this section].

21 3. (1) When a regular sentence of imprisonment for a felony is imposed, the court shall  
22 commit the person to the custody of the department of corrections for the term imposed under  
23 section 557.036, or until released under procedures established elsewhere by law.

24 (2) A sentence of imprisonment for a misdemeanor shall be for a definite term and the  
25 court shall commit the person to the county jail or other authorized penal institution for the term  
26 of his or her sentence or until released under procedure established elsewhere by law.

27 4. (1) **Except as otherwise provided**, a sentence of imprisonment for a term of years  
28 for felonies other than dangerous felonies as defined in section 556.061, and other than sentences  
29 of imprisonment which involve the individual's fourth or subsequent remand to the department  
30 of corrections shall consist of a prison term and a conditional release term. The conditional  
31 release term of any term imposed under section 557.036 shall be:

32 (a) One-third for terms of nine years or less;

33 (b) Three years for terms between nine and fifteen years;

34 (c) Five years for terms more than fifteen years; and the prison term shall be the  
35 remainder of such term. The prison term may be extended by the board of probation and parole  
36 pursuant to subsection 5 of this section.

37 (2) "Conditional release" means the conditional discharge of an offender by the board  
38 of probation and parole, subject to conditions of release that the board deems reasonable to assist  
39 the offender to lead a law-abiding life, and subject to the supervision under the state board of  
40 probation and parole. The conditions of release shall include avoidance by the offender of any  
41 other [crime] **offense**, federal or state, and other conditions that the board in its discretion deems  
42 reasonably necessary to assist the releasee in avoiding further violation of the law.

43 5. The date of conditional release from the prison term may be extended up to a  
44 maximum of the entire sentence of imprisonment by the board of probation and parole. The  
45 director of any division of the department of corrections except the board of probation and parole  
46 may file with the board of probation and parole a petition to extend the conditional release date  
47 when an offender fails to follow the rules and regulations of the division or commits an act in  
48 violation of such rules. Within ten working days of receipt of the petition to extend the  
49 conditional release date, the board of probation and parole shall convene a hearing on the  
50 petition. The offender shall be present and may call witnesses in his or her behalf and  
51 cross-examine witnesses appearing against the offender. The hearing shall be conducted as  
52 provided in section 217.670. If the violation occurs in close proximity to the conditional release  
53 date, the conditional release may be held for a maximum of fifteen working days to permit  
54 necessary time for the division director to file a petition for an extension with the board and for  
55 the board to conduct a hearing, provided some affirmative manifestation of an intent to extend  
56 the conditional release has occurred prior to the conditional release date. If at the end of a  
57 fifteen-working-day period a board decision has not been reached, the offender shall be released  
58 conditionally. The decision of the board shall be final.

558.016. 1. The court may sentence a person who has [pleaded guilty to or has] been  
2 found guilty of an offense to a term of imprisonment as authorized by section 558.011 or to a  
3 term of imprisonment authorized by a statute governing the offense if it finds the defendant is

4 a prior offender or a persistent misdemeanor offender[, or to] . **The court may sentence a**  
5 **person to** an extended term of imprisonment if [it finds] :

6 (1) The defendant is a persistent offender or a dangerous offender, **and the person is**  
7 **sentenced pursuant to subsection 7 of this section;**

8 (2) **The statute under which the person was found guilty contains a sentencing**  
9 **enhancement provision that is based on a prior finding of guilt or a finding of prior**  
10 **criminal conduct and the person is sentenced according to the statute; or**

11 (3) **A more specific sentencing enhancement provision applies that is based on a**  
12 **prior finding of guilt or a finding of prior criminal conduct.**

13 2. A "prior offender" is one who has [pleaded guilty to or has] been found guilty of one  
14 felony.

15 3. A "persistent offender" is one who has [pleaded guilty to or has] been found guilty of  
16 two or more felonies committed at different times.

17 4. A "dangerous offender" is one who:

18 (1) Is being sentenced for a felony during the commission of which he knowingly  
19 murdered or endangered or threatened the life of another person or knowingly inflicted or  
20 attempted or threatened to inflict serious physical injury on another person; and

21 (2) Has [pleaded guilty to or has] been found guilty of a class A or B felony or a  
22 dangerous felony.

23 5. A "persistent misdemeanor offender" is one who [has pleaded guilty to or] has been  
24 found guilty of two or more [class A or B misdemeanors] **offenses**, committed at different  
25 times[, which] **that** are [defined as offenses under chapters 195, 565, 566, 567, 568, 569, 570,  
26 571, 572, 573, 574, 575, and 576] **classified as A or B misdemeanors under the laws of this**  
27 **state.**

28 6. The [pleas or] findings of [guilty] **guilt** shall be prior to the date of commission of the  
29 present offense.

30 7. [The total authorized maximum terms of imprisonment for a persistent offender or a  
31 dangerous offender are:

32 (1) For a class A felony, any sentence authorized for a class A felony;

33 (2) For a class B felony, any sentence authorized for a class A felony;

34 (3) For a class C felony, any sentence authorized for a class B felony;

35 (4) For a class D felony, any sentence authorized for a class C felony] **The court shall**  
36 **sentence a person, who has been found to be a persistent offender or a dangerous offender,**  
37 **and is found guilty of a class B, C, D, or E felony to the authorized term of imprisonment**  
38 **for the offense that is one class higher than the offense for which the person is found guilty.**

558.019. 1. This section shall not be construed to affect the powers of the governor  
2 under article IV, section 7, of the Missouri Constitution. This statute shall not affect those



3 provisions of section 565.020, section [558.018] **566.125** or section 571.015, which set minimum  
4 terms of sentences, or the provisions of section 559.115, relating to probation.

5       2. The provisions of subsections 2 to 5 of this section shall be applicable to all classes  
6 of felonies except those set forth in chapter 195, and those otherwise excluded in subsection 1  
7 of this section. For the purposes of this section, "prison commitment" means and is the receipt  
8 by the department of corrections of an offender after sentencing. For purposes of this section,  
9 prior prison commitments to the department of corrections shall not include commitment to a  
10 regimented discipline program established pursuant to section 217.378, **a one hundred twenty-**  
11 **day program as described under section 559.115, or a post-conviction drug treatment**  
12 **program established under section 217.785.** Other provisions of the law to the contrary  
13 notwithstanding, any offender who has [pleaded guilty to or has] been found guilty of a felony  
14 other than a dangerous felony as defined in section 556.061 and is committed to the department  
15 of corrections shall be required to serve the following minimum prison terms:

16       (1) If the offender has one previous prison commitment to the department of corrections  
17 for a felony offense, the minimum prison term which the offender must serve shall be forty  
18 percent of his or her sentence or until the offender attains seventy years of age, and has served  
19 at least thirty percent of the sentence imposed, whichever occurs first;

20       (2) If the offender has two previous prison commitments to the department of corrections  
21 for felonies unrelated to the present offense, the minimum prison term which the offender must  
22 serve shall be fifty percent of his or her sentence or until the offender attains seventy years of  
23 age, and has served at least forty percent of the sentence imposed, whichever occurs first;

24       (3) If the offender has three or more previous prison commitments to the department of  
25 corrections for felonies unrelated to the present offense, the minimum prison term which the  
26 offender must serve shall be eighty percent of his or her sentence or until the offender attains  
27 seventy years of age, and has served at least forty percent of the sentence imposed, whichever  
28 occurs first.

29       3. Other provisions of the law to the contrary notwithstanding, any offender who has  
30 [pleaded guilty to or has] been found guilty of a dangerous felony as defined in section 556.061  
31 and is committed to the department of corrections shall be required to serve a minimum prison  
32 term of eighty-five percent of the sentence imposed by the court or until the offender attains  
33 seventy years of age, and has served at least forty percent of the sentence imposed, whichever  
34 occurs first.

35       4. For the purpose of determining the minimum prison term to be served, the following  
36 calculations shall apply:

37       (1) A sentence of life shall be calculated to be thirty years;

38       (2) Any sentence either alone or in the aggregate with other consecutive sentences for  
39 [crimes] **offenses** committed at or near the same time which is over seventy-five years shall be  
40 calculated to be seventy-five years.

41           5. For purposes of this section, the term "minimum prison term" shall mean time  
42 required to be served by the offender before he or she is eligible for parole, conditional release  
43 or other early release by the department of corrections.

44           6. (1) A sentencing advisory commission is hereby created to consist of eleven  
45 members. One member shall be appointed by the speaker of the house. One member shall be  
46 appointed by the president pro tem of the senate. One member shall be the director of the  
47 department of corrections. Six members shall be appointed by and serve at the pleasure of the  
48 governor from among the following: the public defender commission; private citizens; a private  
49 member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members  
50 shall be appointed by the supreme court, one from a metropolitan area and one from a rural area.  
51 All members shall be appointed to a four-year term. All members of the sentencing commission  
52 appointed prior to August 28, 1994, shall continue to serve on the sentencing advisory  
53 commission at the pleasure of the governor.

54           (2) The commission shall study sentencing practices in the circuit courts throughout the  
55 state for the purpose of determining whether and to what extent disparities exist among the  
56 various circuit courts with respect to the length of sentences imposed and the use of probation  
57 for offenders convicted of the same or similar [crimes] **offenses** and with similar criminal  
58 histories. The commission shall also study and examine whether and to what extent sentencing  
59 disparity among economic and social classes exists in relation to the sentence of death and if so,  
60 the reasons therefor sentences are comparable to other states, if the length of the sentence is  
61 appropriate, and the rate of rehabilitation based on sentence. It shall compile statistics, examine  
62 cases, draw conclusions, and perform other duties relevant to the research and investigation of  
63 disparities in death penalty sentencing among economic and social classes.

64           (3) The commission shall establish a system of recommended sentences, within the  
65 statutory minimum and maximum sentences provided by law for each felony committed under  
66 the laws of this state. This system of recommended sentences shall be distributed to all  
67 sentencing courts within the state of Missouri. The recommended sentence for each [crime]  
68 **offense** shall take into account, but not be limited to, the following factors:

- 69           (a) The nature and severity of each offense;  
70           (b) The record of prior offenses by the offender;  
71           (c) The data gathered by the commission showing the duration and nature of sentences  
72 imposed for each [crime] **offense**; and  
73           (d) The resources of the department of corrections and other authorities to carry out the  
74 punishments that are imposed.

75           (4) The commission shall study alternative sentences, prison work programs, work  
76 release, home-based incarceration, probation and parole options, and any other programs and  
77 report the feasibility of these options in Missouri.

78 (5) The commission shall publish and distribute its recommendations on or before July 1,  
79 2004. The commission shall study the implementation and use of the recommendations until  
80 July 1, 2005, and return a report to the governor, the speaker of the house of representatives, and  
81 the president pro tem of the senate. Following the July 1, 2005, report, the commission shall  
82 revise the recommended sentences every two years.

83 (6) The governor shall select a chairperson who shall call meetings of the commission  
84 as required or permitted pursuant to the purpose of the sentencing commission.

85 (7) The members of the commission shall not receive compensation for their duties on  
86 the commission, but shall be reimbursed for actual and necessary expenses incurred in the  
87 performance of these duties and for which they are not reimbursed by reason of their other paid  
88 positions.

89 (8) The circuit and associate circuit courts of this state, the office of the state courts  
90 administrator, the department of public safety, and the department of corrections shall cooperate  
91 with the commission by providing information or access to information needed by the  
92 commission. The office of the state courts administrator will provide needed staffing resources.

93 7. Courts shall retain discretion to lower or exceed the sentence recommended by the  
94 commission as otherwise allowable by law, and to order restorative justice methods, when  
95 applicable.

96 8. If the imposition or execution of a sentence is suspended, the court may order any or  
97 all of the following restorative justice methods, or any other method that the court finds just or  
98 appropriate:

99 (1) Restitution to any victim or a statutorily created fund for costs incurred as a result  
100 of the offender's actions;

101 (2) Offender treatment programs;

102 (3) Mandatory community service;

103 (4) Work release programs in local facilities; and

104 (5) Community-based residential and nonresidential programs.

105 9. The provisions of this section shall apply only to offenses occurring on or after  
106 August 28, 2003.

107 10. Pursuant to subdivision (1) of subsection 8 of this section, the court may order the  
108 assessment and payment of a designated amount of restitution to a county law enforcement  
109 restitution fund established by the county commission pursuant to section 50.565. Such  
110 contribution shall not exceed three hundred dollars for any charged offense. Any restitution  
111 moneys deposited into the county law enforcement restitution fund pursuant to this section shall  
112 only be expended pursuant to the provisions of section 50.565.

113 11. A judge may order payment to a restitution fund only if such fund had been created  
114 by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall

115 not have any direct supervisory authority or administrative control over any fund to which the  
116 judge is ordering a [defendant] **person** to make payment.

117 12. A [defendant] **person** who fails to make a payment to a county law enforcement  
118 restitution fund may not have his or her probation revoked solely for failing to make such  
119 payment unless the judge, after evidentiary hearing, makes a finding supported by a  
120 preponderance of the evidence that the [defendant] **person** either willfully refused to make the  
121 payment or that the [defendant] **person** willfully, intentionally, and purposefully failed to make  
122 sufficient bona fide efforts to acquire the resources to pay.

558.026. 1. Multiple sentences of imprisonment shall run concurrently unless the court  
2 specifies that they shall run consecutively; except [that,] in the case of multiple sentences of  
3 imprisonment imposed for [the felony of rape, forcible rape, sodomy, forcible sodomy,] **any**  
4 **offense committed during or at the same time as, or multiple offenses of, the following**  
5 **felonies:**

6 (1) **Rape in the first degree;**

7 (2) **Statutory rape in the first degree;**

8 (3) **Sodomy in the first degree[,] ;**

9 (4) **Statutory sodomy in the first degree; or**

10 (5) **An attempt to commit any of the [aforesaid and for other offenses committed during**  
11 **or at the same time as that rape, forcible rape, sodomy, forcible sodomy or an attempt to commit**  
12 **any of the aforesaid, the sentences of imprisonment imposed for the other offenses may run**  
13 **concurrently, but] felonies listed in this subsection.**

14

15 **In such case,** the sentence of imprisonment imposed for [the felony of rape, forcible rape,  
16 sodomy, forcible sodomy] **any offense of rape in the first degree, statutory rape in the first**  
17 **degree, sodomy in the first degree, statutory sodomy in the first degree,** or an attempt to  
18 commit any of the aforesaid shall run consecutively to the other sentences. **The sentences**  
19 **imposed for any other offense may run concurrently.**

20 2. If a person who is on probation, parole or conditional release is sentenced to a term  
21 of imprisonment for an offense committed after the granting of probation or parole or after the  
22 start of his **or her** conditional release term, the court shall direct the manner in which the  
23 sentence or sentences imposed by the court shall run with respect to any resulting probation,  
24 parole or conditional release revocation term or terms. If the subsequent sentence to  
25 imprisonment is in another jurisdiction, the court shall specify how any resulting probation,  
26 parole or conditional release revocation term or terms shall run with respect to the foreign  
27 sentence of imprisonment.

28 3. A court may cause any sentence it imposes to run concurrently with a sentence an  
29 individual is serving or is to serve in another state or in a federal correctional center. If the  
30 Missouri sentence is served in another state or in a federal correctional center, subsection 4 of

31 section 558.011 and section 217.690 shall apply as if the individual were serving his **or her**  
32 sentence within the department of corrections of the state of Missouri, except that a personal  
33 hearing before the board of probation and parole shall not be required for parole consideration.

558.031. 1. A sentence of imprisonment shall commence when a person convicted of  
2 [a crime] **an offense** in this state is received into the custody of the department of corrections or  
3 other place of confinement where the offender is sentenced. Such person shall receive credit  
4 toward the service of a sentence of imprisonment for all time in prison, jail or custody after the  
5 offense occurred and before the commencement of the sentence, when the time in custody was  
6 related to that offense, except:

7 (1) Such credit shall only be applied once when sentences are consecutive;

8 (2) Such credit shall only be applied if the person convicted was in custody in the state  
9 of Missouri, unless such custody was compelled exclusively by the state of Missouri's action; and

10 (3) As provided in section 559.100.

11 2. The officer required by law to deliver a person convicted of [a crime] **an offense** in  
12 this state to the department of corrections shall endorse upon the papers required by section  
13 217.305 both the dates the offender was in custody and the period of time to be credited toward  
14 the service of the sentence of imprisonment, except as endorsed by such officer.

15 3. If a person convicted of [a crime] **an offense** escapes from custody, such escape shall  
16 interrupt the sentence. The interruption shall continue until such person is returned to the  
17 correctional center where the sentence was being served, or in the case of a person committed  
18 to the custody of the department of corrections, to any correctional center operated by the  
19 department of corrections. An escape shall also interrupt the jail time credit to be applied to a  
20 sentence which had not commenced when the escape occurred.

21 4. If a sentence of imprisonment is vacated and a new sentence imposed upon the  
22 offender for that offense, all time served under the vacated sentence shall be credited against the  
23 new sentence, unless the time has already been credited to another sentence as provided in  
24 subsection 1 of this section.

25 5. If a person released from imprisonment on parole or serving a conditional release term  
26 violates any of the conditions of his **or her** parole or release, he **or she** may be treated as a parole  
27 violator. If the board of probation and parole revokes the parole or conditional release, the  
28 paroled person shall serve the remainder of the prison term and conditional release term, as an  
29 additional prison term, and the conditionally released person shall serve the remainder of the  
30 conditional release term as a prison term, unless released on parole.

558.041. 1. Any offender committed to the department of corrections, except those  
2 persons committed pursuant to subsection [6] 7 of section 558.016, or subsection 3 of section  
3 [558.018] **566.125**, may receive additional credit in terms of days spent in confinement upon  
4 recommendation for such credit by the offender's institutional superintendent when the offender  
5 meets the requirements for such credit as provided in subsections 3 and 4 of this section. Good

6 time credit may be rescinded by the director or his **or her** designee pursuant to the divisional  
7 policy issued pursuant to subsection 3 of this section.

8 2. Any credit extended to an offender shall only apply to the sentence which the offender  
9 is currently serving.

10 3. The director of the department of corrections shall issue a policy for awarding credit.  
11 The policy may reward an inmate who has served his **or her** sentence in an orderly and peaceable  
12 manner and has taken advantage of the rehabilitation programs available to him **or her**. Any  
13 violation of institutional rules or the laws of this state may result in the loss of all or a portion  
14 of any credit earned by the inmate pursuant to this section.

15 4. The department shall cause the policy to be published in the code of state regulations.

16 5. No rule or portion of a rule promulgated under the authority of this chapter shall  
17 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

558.046. The sentencing court may, upon petition, reduce any term of sentence or  
2 probation pronounced by the court or a term of conditional release or parole pronounced by the  
3 state board of probation and parole if the court determines that:

4 (1) The convicted person was:

5 (a) Convicted of [a crime] **an offense** that did not involve violence or the threat of  
6 violence; and

7 (b) Convicted of [a crime] **an offense** that involved alcohol or illegal drugs; and

8 (2) Since the commission of such [crime] **offense**, the convicted person has successfully  
9 completed a detoxification and rehabilitation program; and

10 (3) The convicted person is not:

11 (a) A prior offender, a persistent offender, a dangerous offender or a persistent  
12 misdemeanor offender as defined by section 558.016; or

13 (b) A persistent sexual offender as defined in section [558.018] **566.125**; or

14 (c) A prior offender, a persistent offender or a class X offender as defined in section  
15 558.019.

559.012. The court may place a person on probation for a specific period upon  
2 conviction of any offense or upon suspending imposition of sentence if, having regard to the  
3 nature and circumstances of the offense and to the history and character of the defendant, the  
4 court is of the opinion that

5 (1) Institutional confinement of the defendant is not necessary for the protection of the  
6 public; and

7 (2) The defendant is in need of guidance, training or other assistance which, in his **or her**  
8 case, can be effectively administered through probation supervision.

559.021. 1. The conditions of probation shall be such as the court in its discretion deems  
2 reasonably necessary to ensure that the defendant will not again violate the law. When a

3 defendant is placed on probation he **or she** shall be given a certificate explicitly stating the  
4 conditions on which he **or she** is being released.

5         2. In addition to such other authority as exists to order conditions of probation, the court  
6 may order such conditions as the court believes will serve to compensate the victim, any  
7 dependent of the victim, any statutorily created fund for costs incurred as a result of the  
8 offender's actions, or society. Such conditions may include restorative justice methods pursuant  
9 to section 217.777, or any other method that the court finds just or appropriate including, but not  
10 limited to:

11             (1) Restitution to the victim or any dependent of the victim, or statutorily created fund  
12 for costs incurred as a result of the offender's actions in an amount to be determined by the judge;

13             (2) The performance of a designated amount of free work for a public or charitable  
14 purpose, or purposes, as determined by the judge;

15             (3) Offender treatment programs;

16             (4) Work release programs in local facilities; and

17             (5) Community-based residential and nonresidential programs.

18         3. The defendant may refuse probation conditioned on the performance of free work.  
19 If he **or she** does so, the court shall decide the extent or duration of sentence or other disposition  
20 to be imposed and render judgment accordingly. Any county, city, person, organization, or  
21 agency, or employee of a county, city, organization or agency charged with the supervision of  
22 such free work or who benefits from its performance shall be immune from any suit by the  
23 defendant or any person deriving a cause of action from him **or her** if such cause of action arises  
24 from such supervision of performance, except for an intentional tort or gross negligence. The  
25 services performed by the defendant shall not be deemed employment within the meaning of the  
26 provisions of chapter 288. A defendant performing services pursuant to this section shall not be  
27 deemed an employee within the meaning of the provisions of chapter 287.

28         4. In addition to such other authority as exists to order conditions of probation, in the  
29 case of a [plea of guilty or a] finding of guilt, the court may order the assessment and payment  
30 of a designated amount of restitution to a county law enforcement restitution fund established  
31 by the county commission pursuant to section 50.565. Such contribution shall not exceed three  
32 hundred dollars for any charged offense. Any restitution moneys deposited into the county law  
33 enforcement restitution fund pursuant to this section shall only be expended pursuant to the  
34 provisions of section 50.565.

35         5. A judge may order payment to a restitution fund only if such fund had been created  
36 by ordinance or resolution of a county of the state of Missouri prior to sentencing. A judge shall  
37 not have any direct supervisory authority or administrative control over any fund to which the  
38 judge is ordering a defendant to make payment.

39         6. A defendant who fails to make a payment to a county law enforcement restitution fund  
40 may not have his or her probation revoked solely for failing to make such payment unless the

41 judge, after evidentiary hearing, makes a finding supported by a preponderance of the evidence  
42 that the defendant either willfully refused to make the payment or that the defendant willfully,  
43 intentionally, and purposefully failed to make sufficient bona fide efforts to acquire the resources  
44 to pay.

45 7. The court may modify or enlarge the conditions of probation at any time prior to the  
46 expiration or termination of the probation term.

559.036. 1. A term of probation commences on the day it is imposed. Multiple terms  
2 of Missouri probation, whether imposed at the same time or at different times, shall run  
3 concurrently. Terms of probation shall also run concurrently with any federal or other state jail,  
4 prison, probation or parole term for another offense to which the defendant is or becomes subject  
5 during the period, unless otherwise specified by the Missouri court.

6 2. The court may terminate a period of probation and discharge the defendant at any time  
7 before completion of the specific term fixed under section 559.016 if warranted by the conduct  
8 of the defendant and the ends of justice. The court may extend the term of the probation, but no  
9 more than one extension of any probation may be ordered except that the court may extend the  
10 term of probation by one additional year by order of the court if the defendant admits he or she  
11 has violated the conditions of probation or is found by the court to have violated the conditions  
12 of his or her probation. Total time on any probation term, including any extension shall not  
13 exceed the maximum term established in section 559.016. Procedures for termination, discharge  
14 and extension may be established by rule of court.

15 3. If the defendant violates a condition of probation at any time prior to the expiration  
16 or termination of the probation term, the court may continue him **or her** on the existing  
17 conditions, with or without modifying or enlarging the conditions or extending the term, or, if  
18 such continuation, modification, enlargement or extension is not appropriate, may revoke  
19 probation and order that any sentence previously imposed be executed. If imposition of sentence  
20 was suspended, the court may revoke probation and impose any sentence available under section  
21 557.011. The court may mitigate any sentence of imprisonment by reducing the prison or jail  
22 term by all or part of the time the defendant was on probation. The court may, upon revocation  
23 of probation, place an offender on a second term of probation. Such probation shall be for a term  
24 of probation as provided by section 559.016, notwithstanding any amount of time served by the  
25 offender on the first term of probation.

26 4. Probation shall not be revoked without giving the probationer notice and an  
27 opportunity to be heard on the issues of whether he **or she** violated a condition of probation and,  
28 if he **or she** did, whether revocation is warranted under all the circumstances.

29 5. The prosecuting or circuit attorney may file a motion to revoke probation or at any  
30 time during the term of probation, the court may issue a notice to the probationer to appear to  
31 answer a charge of a violation, and the court may issue a warrant of arrest for the violation. Such  
32 notice shall be personally served upon the probationer. The warrant shall authorize the return



33 of the probationer to the custody of the court or to any suitable detention facility designated by  
34 the court. Upon the filing of the prosecutor's or circuit attorney's motion or on the court's own  
35 motion, the court may immediately enter an order suspending the period of probation and may  
36 order a warrant for the defendant's arrest. The probation shall remain suspended until the court  
37 rules on the prosecutor's or circuit attorney's motion, or until the court otherwise orders the  
38 probation reinstated.

39 6. The power of the court to revoke probation shall extend for the duration of the term  
40 of probation designated by the court and for any further period which is reasonably necessary for  
41 the adjudication of matters arising before its expiration, provided that some affirmative  
42 manifestation of an intent to conduct a revocation hearing occurs prior to the expiration of the  
43 period and that every reasonable effort is made to notify the probationer and to conduct the  
44 hearing prior to the expiration of the period.

559.100. 1. The circuit courts of this state shall have power, herein provided, to place  
2 on probation or to parole persons convicted of any offense over which they have jurisdiction,  
3 except as otherwise provided in [sections 195.275 to 195.296] **section 579.170**, section  
4 [558.018] **566.125**, section 559.115, section 565.020, sections 566.030, 566.060, 566.067,  
5 566.151, and [566.213] **566.210**, section 571.015, and subsection 3 of section 589.425.

6 2. The circuit court shall have the power to revoke the probation or parole previously  
7 granted and commit the person to the department of corrections. The circuit court shall  
8 determine any conditions of probation or parole for the defendant that it deems necessary to  
9 ensure the successful completion of the probation or parole term, including the extension of any  
10 term of supervision for any person while on probation or parole. The circuit court may require  
11 that the defendant pay restitution for his [crime] **or her offense**. The probation or parole may  
12 be revoked for failure to pay restitution or for failure to conform his **or her** behavior to the  
13 conditions imposed by the circuit court. The circuit court may, in its discretion, credit any period  
14 of probation or parole as time served on a sentence.

559.105. 1. Any person who has been found guilty of [or has pled guilty to] a violation  
2 of subdivision (2) of subsection 1 of section 569.080 or paragraph (a) of subdivision (3) of  
3 subsection [3] **5** of section 570.030 may be ordered by the court to make restitution to the victim  
4 for the victim's losses due to such offense. Restitution pursuant to this section shall include, but  
5 not be limited to, the following:

6 (1) A victim's reasonable expenses to participate in the prosecution of the [crime]  
7 **offense**;

8 (2) A victim's payment for any repairs or replacement of the motor vehicle, watercraft,  
9 or aircraft; and

10 (3) A victim's costs associated with towing or storage fees for the motor vehicle caused  
11 by the acts of the defendant.

12           2. No person ordered by the court to pay restitution pursuant to this section shall be  
13 released from probation until such restitution is complete. If full restitution is not made within  
14 the original term of probation, the court shall order the maximum term of probation allowed for  
15 such offense.

16           3. Any person eligible to be released on parole for a violation of subdivision (2) of  
17 subsection 1 of section 569.080 or [paragraph (a) of subdivision (3) of subsection 3 of] **for**  
18 **stealing a motor vehicle, watercraft, or aircraft under** section 570.030 may be required, as  
19 a condition of parole, to make restitution pursuant to this section. The board of probation and  
20 parole shall not release any person from any term of parole for such offense until the person has  
21 completed such restitution, or until the maximum term of parole for such offense has been  
22 served.

          559.106. 1. Notwithstanding any statutory provision to the contrary, when a court grants  
2 probation to an offender who has pleaded guilty to or has been found guilty of an offense in  
3 section 566.030, 566.032, 566.060, or 566.062, based on an act committed on or after August  
4 28, 2006, or the offender has [pleaded guilty to or has] been found guilty of an offense under  
5 section 566.067, 566.083, 566.100, 566.151, [566.212, 566.213,] **566.210, 566.211**, 568.020,  
6 [568.080, or 568.090] **573.200 or 573.205**, based on an act committed on or after August 28,  
7 2006, against a victim who was less than fourteen years [old] **of age** and the offender is a prior  
8 sex offender as defined in subsection 2 of this section, the court shall order that the offender be  
9 supervised by the board of probation and parole for the duration of his or her natural life.

10           2. For the purpose of this section, a prior sex offender is a person who has previously  
11 pleaded guilty to or has been found guilty of an offense contained in chapter 566, or violating  
12 section 568.020, when the person had sexual intercourse or deviate sexual intercourse with the  
13 victim, or of violating subdivision (2) of subsection 1 of section 568.045.

14           3. When probation for the duration of the offender's natural life has been ordered, a  
15 mandatory condition of such probation is that the offender be electronically monitored.  
16 Electronic monitoring shall be based on a global positioning system or other technology that  
17 identifies and records the offender's location at all times.

18           4. In appropriate cases as determined by a risk assessment, the court may terminate the  
19 probation of an offender who is being supervised under this section when the offender is  
20 sixty-five years [of age] **old** or older.

          559.107. 1. The department of corrections shall notify the highway patrol of any  
2 offender who is required as a mandatory condition of lifetime supervision to be electronically  
3 monitored, under section 217.735 and section 559.106, and shall notify the highway patrol when  
4 the supervision of the offender has been terminated in appropriate cases as determined by a risk  
5 assessment when the offender is sixty-five years [of age] **old** or older.

6           2. The highway patrol shall enter the electronic monitoring of the offender into the  
7 Missouri law enforcement system (MULES) and sexual offender registry where it is available  
8 to members of the criminal justice system, and other entities as provided by law, upon inquiry.

559.110. When the defendant is granted probation or parole by the court, the court before  
2 or at the time of granting the probation or parole, may in its discretion require the defendant, with  
3 one or more sureties, to enter into bond to the state of Missouri in a sum to be fixed by the court,  
4 conditioned that he **or she** will appear in court as directed during the continuance of the  
5 probation or parole, and not depart without leave of court. The bond shall be approved by the  
6 court or by the clerk at the direction of the court and forfeiture may be taken and prosecuted to  
7 final judgment on the bond in the manner as provided by law in cases of bonds taken for  
8 appearance of persons awaiting trial upon information or indictment.

559.115. 1. Neither probation nor parole shall be granted by the circuit court between  
2 the time the transcript on appeal from the offender's conviction has been filed in appellate court  
3 and the disposition of the appeal by such court.

4           2. Unless otherwise prohibited by subsection 5 of this section, a circuit court only upon  
5 its own motion and not that of the state or the offender shall have the power to grant probation  
6 to an offender anytime up to one hundred twenty days after such offender has been delivered to  
7 the department of corrections but not thereafter. The court may request information and a  
8 recommendation from the department concerning the offender and such offender's behavior  
9 during the period of incarceration. Except as provided in this section, the court may place the  
10 offender on probation in a program created pursuant to section 217.777, or may place the  
11 offender on probation with any other conditions authorized by law.

12           3. The court may recommend placement of an offender in a department of corrections  
13 one hundred twenty-day program. Upon the recommendation of the court, the department of  
14 corrections shall determine the offender's eligibility for the program, the nature, intensity, and  
15 duration of any offender's participation in a program and the availability of space for an offender  
16 in any program. When the court recommends and receives placement of an offender in a  
17 department of corrections one hundred twenty-day program, the offender shall be released on  
18 probation if the department of corrections determines that the offender has successfully  
19 completed the program except as follows. Upon successful completion of a treatment program,  
20 the board of probation and parole shall advise the sentencing court of an offender's probationary  
21 release date thirty days prior to release. The court shall release the offender unless such release  
22 constitutes an abuse of discretion. If the court determined that there is an abuse of discretion,  
23 the court may order the execution of the offender's sentence only after conducting a hearing on  
24 the matter within ninety to one hundred twenty days of the offender's sentence. If the court does  
25 not respond when an offender successfully completes the program, the offender shall be released  
26 on probation. Upon successful completion of a shock incarceration program, the board of  
27 probation and parole shall advise the sentencing court of an offender's probationary release date

28 thirty days prior to release. The court shall follow the recommendation of the department unless  
29 the court determines that probation is not appropriate. If the court determines that probation is  
30 not appropriate, the court may order the execution of the offender's sentence only after  
31 conducting a hearing on the matter within ninety to one hundred twenty days of the offender's  
32 sentence. If the department determines that an offender is not successful in a program, then after  
33 one hundred days of incarceration the circuit court shall receive from the department of  
34 corrections a report on the offender's participation in the program and department  
35 recommendations for terms and conditions of an offender's probation. The court shall then  
36 release the offender on probation or order the offender to remain in the department to serve the  
37 sentence imposed.

38 4. If the department of corrections one hundred twenty-day program is full, the court may  
39 place the offender in a private program approved by the department of corrections or the court,  
40 the expenses of such program to be paid by the offender, or in an available program offered by  
41 another organization. If the offender is convicted of a class C [or] , class D, **or class E**  
42 nonviolent felony, the court may order probation while awaiting appointment to treatment.

43 5. Except when the offender has been found to be a predatory sexual offender pursuant  
44 to section [558.018] **566.125**, the court shall request that the offender be placed in the sexual  
45 offender assessment unit of the department of corrections if the defendant [has pleaded guilty to  
46 or] has been found guilty of sexual abuse when classified as a class B felony.

47 6. Unless the offender is being granted probation pursuant to successful completion of  
48 a one hundred twenty-day program the circuit court shall notify the state in writing when the  
49 court intends to grant probation to the offender pursuant to the provisions of this section. The  
50 state may, in writing, request a hearing within ten days of receipt of the court's notification that  
51 the court intends to grant probation. Upon the state's request for a hearing, the court shall grant  
52 a hearing as soon as reasonably possible. If the state does not respond to the court's notice in  
53 writing within ten days, the court may proceed upon its own motion to grant probation.

54 7. An offender's first incarceration for one hundred twenty days for participation in a  
55 department of corrections program prior to release on probation shall not be considered a  
56 previous prison commitment for the purpose of determining a minimum prison term under the  
57 provisions of section 558.019.

58 8. Notwithstanding any other provision of law, probation may not be granted pursuant  
59 to this section to offenders who have been convicted of murder in the second degree pursuant  
60 to section 565.021; [forcible] rape **in the first degree** pursuant to section 566.030; [forcible]  
61 sodomy **in the first degree** pursuant to section 566.060; statutory rape in the first degree  
62 pursuant to section 566.032; statutory sodomy in the first degree pursuant to section 566.062;  
63 child molestation in the first degree pursuant to section 566.067 when classified as a class A  
64 felony; abuse of a child pursuant to section 568.060 when classified as a class A felony; an  
65 offender who has been found to be a predatory sexual offender pursuant to section [558.018]

66 **566.125; forcible rape or sodomy as such offenses were codified under sections 566.030 and**  
67 **566.060 prior to August 28, 2012,** or any offense in which there exists a statutory prohibition  
68 against either probation or parole.

559.120. The circuit court may place a defendant on probation and require his **or her**  
2 participation in a program established pursuant to section 217.777 if, having regard to the nature  
3 and circumstances of the offense and to the history and character of the defendant, the court is  
4 of the opinion that:

5 (1) Traditional institutional confinement of the defendant is not necessary for the  
6 protection of the public, given adequate supervision; and

7 (2) The defendant is in need of guidance, training or other assistance which, in his **or her**  
8 case, can be effectively administered through participation in a community-based treatment  
9 program.

559.125. 1. The clerk of the court shall keep in a permanent file all applications for  
2 probation or parole by the court, and shall keep in such manner as may be prescribed by the court  
3 complete and full records of all presentence investigations requested, probations or paroles  
4 granted, revoked or terminated and all discharges from probations or paroles. All court orders  
5 relating to any presentence investigation requested and probation or parole granted under the  
6 provisions of this chapter and sections 558.011 and 558.026 shall be kept in a like manner, and,  
7 if the defendant subject to any such order is subject to an investigation or is under the supervision  
8 of the state board of probation and parole, a copy of the order shall be sent to the board. In any  
9 county where a parole board ceases to exist, the clerk of the court shall preserve the records of  
10 that board.

11 2. Information and data obtained by a probation or parole officer shall be privileged  
12 information and shall not be receivable in any court. Such information shall not be disclosed  
13 directly or indirectly to anyone other than the members of a parole board and the judge entitled  
14 to receive reports, except the court or the board may in its discretion permit the inspection of the  
15 report, or parts of such report, by the defendant, or offender or his **or her** attorney, or other  
16 person having a proper interest therein.

17 3. The provisions of subsection 2 of this section notwithstanding, the presentence  
18 investigation report shall be made available to the state and all information and data obtained in  
19 connection with preparation of the presentence investigation report may be made available to the  
20 state at the discretion of the court upon a showing that the receipt of the information and data is  
21 in the best interest of the state.

559.600. In cases where the board of probation and parole is not required under section  
2 217.750 to provide probation supervision and rehabilitation services for misdemeanor offenders,  
3 the circuit and associate circuit judges in a circuit may contract with one or more private entities  
4 or other court-approved entity to provide such services. The court-approved entity, including  
5 private or other entities, shall act as a misdemeanor probation office in that circuit and shall,

6 pursuant to the terms of the contract, supervise persons placed on probation by the judges for  
7 class A, B, [and] C, **and D** misdemeanor offenses, specifically including persons placed on  
8 probation for violations of section 577.023. Nothing in sections 559.600 to 559.615 shall be  
9 construed to prohibit the board of probation and parole, or the court, from supervising  
10 misdemeanor offenders in a circuit where the judges have entered into a contract with a  
11 probation entity.

559.604. Neither the state of Missouri nor any county of the state shall be required to pay  
2 any part of the cost of probation and rehabilitation services provided to misdemeanor offenders  
3 under sections 559.600 to 559.615. The person placed on probation shall contribute not less than  
4 thirty dollars or more than fifty dollars per month to the private entity providing him **or her** with  
5 supervision and rehabilitation services. The amount of the contribution shall be determined by  
6 the sentencing court. The court may exempt a person from all or part of the foregoing  
7 contribution if it finds any of the following factors to exist:

- 8 (1) The offender has diligently attempted, but has been unable, to obtain employment  
9 which provides him **or her** sufficient income to make such payments;
- 10 (2) The offender is a student in a school, college, university or course of vocational or  
11 technical training designed to fit the student for gainful employment. Certification of such  
12 student status shall be supplied to the court by the educational institution in which the offender  
13 is enrolled;
- 14 (3) The offender has an employment handicap, as determined by a physical,  
15 psychological or psychiatric examination acceptable to or ordered by the court;
- 16 (4) The offender's age prevents him **or her** from obtaining employment;
- 17 (5) The offender is responsible for the support of dependents, and the payment of such  
18 contribution constitutes an undue hardship on the offender;
- 19 (6) There are other extenuating circumstances as determined by the court to exempt or  
20 partially reduce such payments; or
- 21 (7) The offender has been transferred outside the state under an interstate compact  
22 adopted pursuant to law.

559.633. 1. Upon [a plea of guilty or] a finding of [guilty for a commission of] **guilt for**  
2 a felony offense pursuant to chapter [195] **579**, except for those offenses in which there exists  
3 a statutory prohibition against either probation or parole, when placing the person on probation,  
4 the court shall order the person to begin a required educational assessment and community  
5 treatment program within the first sixty days of probation as a condition of probation. Persons  
6 who are placed on probation after a period of incarceration pursuant to section 559.115 may not  
7 be required to participate in a required educational assessment and community treatment  
8 program.

9 2. The fees for the required educational assessment and community treatment program,  
10 or a portion of such fees, to be determined by the department of corrections, shall be paid by the

11 person receiving the assessment. Any person who is assessed shall pay, in addition to any fee  
12 charged for the assessment, a supplemental fee of sixty dollars. The administrator of the  
13 program shall remit to the department of corrections the supplemental fees for all persons  
14 assessed, less two percent for administrative costs. The supplemental fees received by the  
15 department of corrections pursuant to this section shall be deposited in the correctional substance  
16 abuse earnings fund created pursuant to section 559.635.

561.016. 1. No person shall suffer any legal disqualification or disability because of a  
2 finding of guilt or conviction of [a crime] **an offense** or the sentence on his conviction, unless  
3 the disqualification or disability involves the deprivation of a right or privilege which is:

- 4 (1) Necessarily incident to execution of the sentence of the court; or
- 5 (2) Provided by the constitution or the code; or
- 6 (3) Provided by a statute other than the code, when the conviction is of [a crime] **an**  
7 **offense** defined by such statute; or
- 8 (4) Provided by the judgment, order or regulation of a court, agency or official exercising  
9 a jurisdiction conferred by law, or by the statute defining such jurisdiction, when the commission  
10 of the [crime] **offense** or the conviction or the sentence is reasonably related to the competency  
11 of the individual to exercise the right or privilege of which he **or she** is deprived.

12 2. Proof of a conviction as relevant evidence upon the trial or determination of any issue,  
13 or for the purpose of impeaching the convicted person as a witness, is not a disqualification or  
14 disability within the meaning of this chapter.

561.021. 1. A person holding any public office, elective or appointive, under the  
2 government of this state or any agency or political subdivision thereof, who is convicted of [a  
3 crime] **an offense** shall, upon sentencing, forfeit such office if:

- 4 (1) He **or she** is convicted under the laws of this state of a felony or under the laws of  
5 another jurisdiction of [a crime] **an offense** which, if committed within this state, would be a  
6 felony, or he **or she** pleads guilty or nolo contendere of such [a crime] **an offense**; or
- 7 (2) He **or she** is convicted of or pleads guilty or nolo contendere to [a crime] **an offense**  
8 involving misconduct in office, or dishonesty; or
- 9 (3) The constitution or a statute other than the code so provides.

10 2. Except as provided in subsection 3 of this section, a person who pleads guilty or nolo  
11 contendere or is convicted under the laws of this state of a felony or under the laws of another  
12 jurisdiction of [a crime] **an offense** which, if committed within this state, would be a felony,  
13 shall be ineligible to hold any public office, elective or appointive, under the government of this  
14 state or any agency or political subdivision thereof, until the completion of his **or her** sentence  
15 or period of probation.

16 3. A person who pleads guilty or nolo contendere or is convicted under the laws of this  
17 state or under the laws of another jurisdiction of a felony connected with the exercise of the right

18 of suffrage shall be forever disqualified from holding any public office, elective or appointive,  
19 under the government of this state or any agency or political subdivision thereof.

561.026. Notwithstanding any other provision of law, a person who is convicted:

2 (1) Of any [crime] **offense** shall be disqualified from registering and voting in any  
3 election under the laws of this state while confined under a sentence of imprisonment;

4 (2) Of a felony or misdemeanor connected with the exercise of the right of suffrage shall  
5 be forever disqualified from registering and voting;

6 (3) Of any felony shall be forever disqualified from serving as a juror.

562.011. 1. A person is not guilty of an offense unless his **or her** liability is based on  
2 conduct which includes a voluntary act.

3 2. A "voluntary act" is

4 (1) A bodily movement performed while conscious as a result of effort or determination;  
5 or

6 (2) An omission to perform an act of which the actor is physically capable.

7 3. Possession is a voluntary act if the possessor knowingly procures or receives the thing  
8 possessed, or having acquired control of it was aware of his **or her** control for a sufficient time  
9 to have enabled him **or her** to dispose of it or terminate his **or her** control.

10 4. A person is not guilty of an offense based solely upon an omission to perform an act  
11 unless the law defining the offense expressly so provides, or a duty to perform the omitted act  
12 is otherwise imposed by law.

[564.011.] **562.012.** 1. [A person is guilty of attempt to commit an offense when, with  
2 the purpose of committing the offense, he does] **Guilt for an offense may be based upon an**  
3 **attempt to commit an offense if, with the purpose of committing the offense, a person**  
4 **performs** any act which is a substantial step towards the commission of the offense. A  
5 "substantial step" is conduct which is strongly corroborative of the firmness of the actor's  
6 purpose to complete the commission of the offense.

7 2. It is no defense to a prosecution [under this section] that the offense attempted was,  
8 under the actual attendant circumstances, factually or legally impossible of commission, if such  
9 offense could have been committed had the attendant circumstances been as the actor believed  
10 them to be.

11 3. Unless otherwise [provided, an attempt to commit an offense is a:

12 (1) Class B felony if the offense attempted is a class A felony.

13 (2) Class C felony if the offense attempted is a class B felony.

14 (3) Class D felony if the offense attempted is a class C felony.

15 (4) Class A misdemeanor if the offense attempted is a class D felony.

16 (5) Class C misdemeanor if the offense attempted is a misdemeanor of any degree] **set**  
17 **forth in the statute creating the offense, when guilt for a felony or misdemeanor is based**  
18 **upon an attempt to commit that offense, the felony or misdemeanor shall be classified one**



19 **step lower than the class provided for the felony or misdemeanor in the statute creating the**  
20 **offense.**

[564.016.] **562.014.** 1. [A person is guilty of conspiracy with another person or persons  
2 to commit an offense if] **Guilt for an offense may be based upon a conspiracy to commit an**  
3 **offense when a person**, with the purpose of promoting or facilitating [its commission he] **the**  
4 **commission of an offense**, agrees with [such] [other] **another** person or persons that they or one  
5 or more of them will engage in conduct which constitutes such offense.

6 2. [If a person guilty of conspiracy knows that a person with whom he conspires to  
7 commit an offense has conspired with another person or persons to commit the same offense, he  
8 is guilty of conspiring with such other person or persons to commit such offense, whether or not  
9 he knows their identity] **It is no defense to a prosecution for conspiring to commit an offense**  
10 **that a person who knows that a person with whom he or she conspires to commit an offense**  
11 **has conspired with another person or persons to commit the same offense, does not know**  
12 **the identity of such other person or persons.**

13 3. If a person conspires to commit a number of offenses, he [is] **or she can be found**  
14 **guilty of only one [conspiracy] offense** so long as such multiple offenses are the object of the  
15 same agreement.

16 4. No person may be convicted of [conspiracy to commit] an offense **based upon a**  
17 **conspiracy to commit an offense** unless an overt act in pursuance of such conspiracy is alleged  
18 and proved to have been done by him **or her** or by a person with whom he **or she** conspired.

19 5. (1) No [one] **person** shall be convicted of [conspiracy] **an offense based upon a**  
20 **conspiracy to commit an offense** if, after conspiring to commit the offense, he **or she** prevented  
21 the accomplishment of the objectives of the conspiracy under circumstances manifesting a  
22 renunciation of his **or her** criminal purpose.

23 (2) The defendant shall have the burden of injecting the issue of renunciation of criminal  
24 purpose under subdivision (1) of this subsection.

25 6. For the purpose of time limitations on prosecutions:

26 (1) [Conspiracy] **A conspiracy to commit an offense** is a continuing course of conduct  
27 which terminates when the offense or offenses which are its object are committed or the  
28 agreement that they be committed is abandoned by the defendant and by those with whom he **or**  
29 **she** conspired.

30 (2) If an individual abandons the agreement, the conspiracy is terminated as to him **or**  
31 **her** only if he **or she** advises those with whom he **or she** has conspired of his **or her**  
32 abandonment or he **or she** informs the law enforcement authorities of the existence of the  
33 conspiracy and of his **or her** participation in it.

34 7. A person [may] **shall** not be charged, convicted or sentenced on the basis of the same  
35 course of conduct of both the actual commission of an offense and a conspiracy to commit that  
36 offense.

37 8. Unless otherwise [provided, a conspiracy to commit an offense is a:  
38 (1) Class B felony if the object of the conspiracy is a class A felony.  
39 (2) Class C felony if the object of the conspiracy is a class B felony.  
40 (3) Class D felony if the object of the conspiracy is a class C felony.  
41 (4) Class A misdemeanor if the object of the conspiracy is a class D felony.  
42 (5) Class C misdemeanor if the object of the conspiracy is a misdemeanor of any degree  
43 or an infraction] **set forth in the statute creating the offense, when guilt for a felony or**  
44 **misdemeanor is based upon a conspiracy to commit that offense, the felony or**  
45 **misdemeanor shall be classified one step lower than the class provided for the felony or**  
46 **misdemeanor in the statute creating the offense.**

562.016. 1. Except as provided in section 562.026, a person is not guilty of an offense  
2 unless he **or she** acts with a culpable mental state, that is, unless he **or she** acts purposely or  
3 knowingly or recklessly or with criminal negligence, as the statute defining the offense may  
4 require with respect to the conduct, the result thereof or the attendant circumstances which  
5 constitute the material elements of the crime.

6 2. A person "acts purposely", or with purpose, with respect to his **or her** conduct or to  
7 a result thereof when it is his **or her** conscious object to engage in that conduct or to cause that  
8 result.

9 3. A person "acts knowingly", or with knowledge,  
10 (1) With respect to his **or her** conduct or to attendant circumstances when he **or she** is  
11 aware of the nature of his **or her** conduct or that those circumstances exist; or

12 (2) With respect to a result of his **or her** conduct when he **or she** is aware that his **or her**  
13 conduct is practically certain to cause that result.

14 4. A person "acts recklessly" or is reckless when he **or she** consciously disregards a  
15 substantial and unjustifiable risk that circumstances exist or that a result will follow, and such  
16 disregard constitutes a gross deviation from the standard of care which a reasonable person  
17 would exercise in the situation.

18 5. A person "acts with criminal negligence" or is criminally negligent when he **or she**  
19 fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will  
20 follow, and such failure constitutes a gross deviation from the standard of care which a  
21 reasonable person would exercise in the situation.

562.031. 1. A person is not relieved of criminal liability for conduct because he **or she**  
2 engages in such conduct under a mistaken belief of fact or law unless such mistake negatives the  
3 existence of the mental state required by the offense.

4 2. A person is not relieved of criminal liability for conduct because he **or she** believes  
5 his **or her** conduct does not constitute an offense unless his **or her** belief is reasonable and:

6 (1) The offense is defined by an administrative regulation or order which is not known  
7 to him **or her** and has not been published or otherwise made reasonably available to him **or her**,

8 and he **or she** could not have acquired such knowledge by the exercise of due diligence pursuant  
9 to facts known to him **or her**; or

10 (2) He **or she** acts in reasonable reliance upon an official statement of the law, afterward  
11 determined to be invalid or erroneous, contained in

12 (a) A statute;

13 (b) An opinion or order of an appellate court;

14 (c) An official interpretation of the statute, regulation or order defining the offense made  
15 by a public official or agency legally authorized to interpret such statute, regulation or order.

16 3. The burden of injecting the issue of reasonable belief that conduct does not constitute  
17 an offense under subdivisions (1) and (2) of subsection 2 **of this section** is on the defendant.

562.036. A person with the required culpable mental state is guilty of an offense if it is  
2 committed by his **or her** own conduct or by the conduct of another person for which he **or she**  
3 is criminally responsible, or both.

562.041. 1. A person is criminally responsible for the conduct of another when:

2 (1) The statute defining the offense makes him **or her** so responsible; or

3 (2) Either before or during the commission of an offense with the purpose of promoting  
4 the commission of an offense, he **or she** aids or agrees to aid or attempts to aid such other person  
5 in planning, committing or attempting to commit the offense.

6 2. However, a person is not so responsible if:

7 (1) He **or she** is the victim of the offense committed or attempted;

8 (2) The offense is so defined that his **or her** conduct was necessarily incident to the  
9 commission or attempt to commit the offense. If his **or her** conduct constitutes a related but  
10 separate offense, he **or she** is criminally responsible for that offense but not for the conduct or  
11 offense committed or attempted by the other person;

12 (3) Before the commission of the offense [he] **such person** abandons his **or her** purpose  
13 and gives timely warning to law enforcement authorities or otherwise makes proper effort to  
14 prevent the commission of the offense.

15 3. The defense provided by subdivision (3) of subsection 2 **of this section** is an  
16 affirmative defense.

562.051. Except as otherwise provided, when two or more persons are criminally  
2 responsible for an offense which is divided into degrees, each person is guilty of such degree as  
3 is compatible with his **or her** own culpable mental state and with his **or her** own accountability  
4 for an aggravating or mitigating fact or circumstance.

562.056. 1. A corporation is guilty of an offense if:

2 (1) The conduct constituting the offense consists of an omission to discharge a specific  
3 duty of affirmative performance imposed on corporations by law; or

4 (2) The conduct constituting the offense is engaged in by an agent of the corporation  
5 while acting within the scope of his **or her** employment and in behalf of the corporation, and the

6 offense is a misdemeanor or an infraction, or the offense is one defined by a statute that clearly  
7 indicates a legislative intent to impose such criminal liability on a corporation; or

8 (3) The conduct constituting the offense is engaged in, authorized, solicited, requested,  
9 commanded or knowingly tolerated by the board of directors or by a high managerial agent  
10 acting within the scope of his **or her** employment and in behalf of the corporation.

11 2. An unincorporated association is guilty of an offense if:

12 (1) The conduct constituting the offense consists of an omission to discharge a specific  
13 duty of affirmative performance imposed on the association by law; or

14 (2) The conduct constituting the offense is engaged in by an agent of the association  
15 while acting within the scope of his **or her** employment and in behalf of the association and the  
16 offense is one defined by a statute that clearly indicates a legislative intent to impose such  
17 criminal liability on the association.

18 3. As used in this section:

19 (1) "Agent" means any director, officer or employee of a corporation or unincorporated  
20 association or any other person who is authorized to act in behalf of the corporation or  
21 unincorporated association;

22 (2) "High managerial agent" means an officer of a corporation or any other agent in a  
23 position of comparable authority with respect to the formulation of corporate policy or the  
24 supervision in a managerial capacity of subordinate employees.

562.061. A person is criminally liable for conduct constituting an offense which he **or**  
2 **she** performs or causes to be performed in the name of or in behalf of a corporation or  
3 unincorporated association to the same extent as if such conduct were performed in his **or her**  
4 own name or behalf.

562.066. 1. The commission of acts which would otherwise constitute an offense is not  
2 criminal if the actor engaged in the prescribed conduct because he **or she** was entrapped by a law  
3 enforcement officer or a person acting in cooperation with such an officer.

4 2. An "entrapment" is perpetuated if a law enforcement officer or a person acting in  
5 cooperation with such an officer, for the purpose of obtaining evidence of the commission of an  
6 offense, solicits, encourages or otherwise induces another person to engage in conduct when he  
7 **or she** was not ready and willing to engage in such conduct.

8 3. The relief afforded by subsection 1 **of this section** is not available as to any crime  
9 which involves causing physical injury to or placing in danger of physical injury a person other  
10 than the person perpetrating the entrapment.

11 4. The defendant shall have the burden of injecting the issue of entrapment.

562.071. 1. It is an affirmative defense that the defendant engaged in the conduct  
2 charged to constitute an offense because he **or she** was coerced to do so, by the use of, or  
3 threatened imminent use of, unlawful physical force upon him **or her** or a third person, which

4 force or threatened force a person of reasonable firmness in his situation would have been unable  
5 to resist.

6 2. The defense of "duress" as defined in subsection 1 is not available:

7 (1) As to the crime of murder;

8 (2) As to any offense when the defendant recklessly places himself **or herself** in a  
9 situation in which it is probable that he **or she** will be subjected to the force or threatened force  
10 described in subsection 1 **of this section**.

562.076. 1. A person who is in an intoxicated or drugged condition, whether from  
2 alcohol, drugs or other substance, is criminally responsible for conduct unless such condition is  
3 involuntarily produced and deprived him **or her** of the capacity to know or appreciate the nature,  
4 quality or wrongfulness of his **or her** conduct.

5 2. The defendant shall have the burden of injecting the issue of intoxicated or drugged  
6 condition.

7 3. Evidence that a person was in a voluntarily intoxicated or drugged condition may be  
8 admissible when otherwise relevant on issues of conduct but in no event shall it be admissible  
9 for the purpose of negating a mental state which is an element of the offense. In a trial by jury,  
10 the jury shall be so instructed when evidence that a person was in a voluntarily intoxicated or  
11 drugged condition has been received into evidence.

562.086. 1. A person is not responsible for criminal conduct if at the time of such  
2 conduct as a result of mental disease or defect he was incapable of knowing and appreciating the  
3 nature, quality or wrongfulness of his **or her** conduct.

4 2. The procedures for the defense of lack of responsibility because of mental disease or  
5 defect are governed by the provisions of chapter 552.

563.021. 1. Unless inconsistent with the provisions of this chapter defining the  
2 justifiable use of physical force, or with some other provision of law, conduct which would  
3 otherwise constitute an offense is justifiable and not criminal when such conduct is required or  
4 authorized by a statutory provision or by a judicial decree. Among the kinds of such provisions  
5 and decrees are:

6 (1) Laws defining duties and functions of public servants;

7 (2) Laws defining duties of private persons to assist public servants in the performance  
8 of their functions;

9 (3) Laws governing the execution of legal process;

10 (4) Laws governing the military services and the conduct of war;

11 (5) Judgments and orders of courts.

12 2. The defense of justification afforded by subsection 1 of this section applies:

13 (1) When a person reasonably believes his **or her** conduct to be required or authorized  
14 by the judgment or directions of a competent court or tribunal or in the legal execution of legal  
15 process, notwithstanding lack of jurisdiction of the court or defect in the legal process;

16 (2) When a person reasonably believes his **or her** conduct to be required or authorized  
17 to assist a public servant in the performance of his **or her** duties, notwithstanding that the public  
18 servant exceeded his **or her** legal authority.

19 3. The defendant shall have the burden of injecting the issue of justification under this  
20 section.

563.026. 1. Unless inconsistent with other provisions of this chapter defining justifiable  
2 use of physical force, or with some other provision of law, conduct which would otherwise  
3 constitute any [crime] **offense** other than a class A felony or murder is justifiable and not  
4 criminal when it is necessary as an emergency measure to avoid an imminent public or private  
5 injury which is about to occur by reason of a situation occasioned or developed through no fault  
6 of the actor, and which is of such gravity that, according to ordinary standards of intelligence and  
7 morality, the desirability of avoiding the injury outweighs the desirability of avoiding the injury  
8 sought to be prevented by the statute defining the [crime] **offense** charged.

9 2. The necessity and justifiability of conduct under subsection 1 **of this section** may not  
10 rest upon considerations pertaining only to the morality and advisability of the statute, either in  
11 its general application or with respect to its application to a particular class of cases arising  
12 thereunder. Whenever evidence relating to the defense of justification under this section is  
13 offered, the court shall rule as a matter of law whether the claimed facts and circumstances  
14 would, if established, constitute a justification.

15 3. The defense of justification under this section is an affirmative defense.

563.033. 1. Evidence that [the actor] **a person** was suffering from the battered spouse  
2 syndrome shall be admissible upon the issue of whether [the actor] **he or she** lawfully acted in  
3 self-defense or defense of another.

4 2. If the defendant proposes to offer evidence of the battered spouse syndrome, **he or she**  
5 shall file written notice thereof with the court in advance of trial. Thereafter, the court, upon  
6 motion of the state, shall appoint one or more private psychiatrists or psychologists, as defined  
7 in section 632.005, or physicians with a minimum of one year training or experience in providing  
8 treatment or services to mentally retarded or mentally ill individuals, who are neither employees  
9 nor contractors of the department of mental health for the purposes of performing the  
10 examination in question, to examine the accused, or shall direct the director of the department  
11 of mental health, or his **or her** designee, to have the accused so examined by one or more  
12 psychiatrists or psychologists, as defined in section 632.005, or physicians with a minimum of  
13 one year training or experience in providing treatment or services to mentally retarded or  
14 mentally ill individuals designated by the director, or his **or her** designee, for the purpose of  
15 examining the defendant. No private psychiatrist, psychologist, or physician shall be appointed  
16 by the court unless **he or she** has consented to act. The examinations ordered shall be made at  
17 such time and place and under such conditions as the court deems proper; except that if the order  
18 directs the director of the department of mental health to have the accused examined, the

19 director, or his **or her** designee, shall determine the reasonable time, place and conditions under  
20 which the examination shall be conducted. The order may include provisions for the interview  
21 of witnesses.

22 3. No statement made by the accused in the course of any such examination and no  
23 information received by any physician or other person in the course thereof, whether such  
24 examination was made with or without the consent of the accused or upon his **or her** motion or  
25 upon that of others, shall be admitted in evidence against the accused on the issue of whether he  
26 **or she** committed the act charged against him **or her** in any criminal proceeding then or  
27 thereafter pending in any court, state or federal.

563.046. 1. A law enforcement officer need not retreat or desist from efforts to effect  
2 the arrest, or from efforts to prevent the escape from custody, of a person he **or she** reasonably  
3 believes to have committed an offense because of resistance or threatened resistance of the  
4 arrestee. In addition to the use of physical force authorized under other sections of this chapter,  
5 **[he] a law enforcement officer** is, subject to the provisions of subsections 2 and 3, justified in  
6 the use of such physical force as he **or she** reasonably believes is immediately necessary to effect  
7 the arrest or to prevent the escape from custody.

8 2. The use of any physical force in making an arrest is not justified under this section  
9 unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful.

10 3. A law enforcement officer in effecting an arrest or in preventing an escape from  
11 custody is justified in using deadly force only

12 (1) When **[such is] deadly force is** authorized under other sections of this chapter; or

13 (2) When he **or she** reasonably believes that such use of deadly force is immediately  
14 necessary to effect the arrest and also reasonably believes that the person to be arrested:

15 (a) Has committed or attempted to commit a felony; or

16 (b) Is attempting to escape by use of a deadly weapon; or

17 (c) May otherwise endanger life or inflict serious physical injury unless arrested without  
18 delay.

19 4. The defendant shall have the burden of injecting the issue of justification under this  
20 section.

563.051. 1. A private person who has been directed by a person he **or she** reasonably  
2 believes to be a law enforcement officer to assist such officer to effect an arrest or to prevent  
3 escape from custody may, subject to the limitations of subsection 3 **of this section**, use physical  
4 force when and to the extent that he **or she** reasonably believes such to be necessary to carry out  
5 such officer's direction unless he **or she** knows or believes that the arrest or prospective arrest  
6 is not or was not authorized.

7 2. A private person acting on his **or her** own account may, subject to the limitations of  
8 subsection 3 **of this section**, use physical force to **[effect]** arrest or prevent **the** escape **[only when**  
9 **and to the extent such is immediately necessary to effect the arrest, or to prevent escape from**

10 custody,] of a person whom [he] **such private person** reasonably believes [to have] **has**  
11 committed [a crime] **an offense**, and who in fact has committed such [crime] **offense, when the**  
12 **private person's actions are immediately necessary to arrest the offender or prevent his or**  
13 **her escape from custody.**

14 3. A private person in effecting an arrest or in preventing escape from custody is justified  
15 in using deadly force only:

16 (1) When [such is] **deadly force is** authorized under other sections of this chapter; or

17 (2) When he **or she** reasonably believes [such to be] **deadly force is** authorized under  
18 the circumstances and he **or she** is directed or authorized by a law enforcement officer to use  
19 deadly force; or

20 (3) When he **or she** reasonably believes such use of deadly force is immediately  
21 necessary to [effect the] arrest [of] a person who at that time and in his **or her** presence

22 (a) Committed or attempted to commit a class A felony or murder; or

23 (b) Is attempting to escape by use of a deadly weapon.

24 4. The defendant shall have the burden of injecting the issue of justification under this  
25 section.

563.056. 1. A guard or other law enforcement officer may, subject to the provisions of  
2 subsection 2 **of this section**, use physical force when he reasonably believes such to be  
3 immediately necessary to prevent escape from confinement or in transit thereto or therefrom.

4 2. A guard or other law enforcement officer may use deadly force under circumstances  
5 described in subsection 1 **of this section** only:

6 (1) When such use of deadly force is authorized under other sections of this chapter; or

7 (2) When he **or she** reasonably believes there is a substantial risk that the escapee will  
8 endanger human life or cause serious physical injury unless the escape is prevented.

9 3. The defendant shall have the burden of injecting the issue of justification under this  
10 section.

563.061. 1. The use of physical force by an actor upon another person is justifiable when  
2 the actor is a parent, guardian or other person entrusted with the care and supervision of a minor  
3 or an incompetent person or when the actor is a teacher or other person entrusted with the care  
4 and supervision of a minor for a special purpose; and

5 (1) The actor reasonably believes that the force used is necessary to promote the welfare  
6 of a minor or incompetent person, or, if the actor's responsibility for the minor is for special  
7 purposes, to further that special purpose or to maintain reasonable discipline in a school, class  
8 or other group; and

9 (2) The force used is not designed to cause or believed to create a substantial risk of  
10 causing death, serious physical injury, disfigurement, extreme pain or extreme emotional  
11 distress.



12           2. A warden or other authorized official of a jail, prison or correctional institution may,  
13 in order to maintain order and discipline, use whatever physical force, including deadly force,  
14 that is authorized by law.

15           3. The use of physical force by an actor upon another person is justifiable when the actor  
16 is a person responsible for the operation of or the maintenance of order in a vehicle or other  
17 carrier of passengers and the actor reasonably believes that such force is necessary to prevent  
18 interference with its operation or to maintain order in the vehicle or other carrier, except that  
19 deadly force may be used only when the actor reasonably believes it necessary to prevent death  
20 or serious physical injury.

21           4. The use of physical force by an actor upon another person is justified when the actor  
22 is a physician or a person assisting at his **or her** direction; and

23           (1) The force is used for the purpose of administering a medically acceptable form of  
24 treatment which the actor reasonably believes to be adapted to promoting the physical or mental  
25 health of the patient; and

26           (2) The treatment is administered with the consent of the patient or, if the patient is a  
27 minor or an incompetent person, with the consent of the parent, guardian, or other person legally  
28 competent to consent on his **or her** behalf, or the treatment is administered in an emergency  
29 when the actor reasonably believes that no one competent to consent can be consulted and that  
30 a reasonable person, wishing to safeguard the welfare of the patient, would consent.

31           5. The use of physical force by an actor upon another person is justifiable when the actor  
32 acts under the reasonable belief that

33           (1) Such other person is about to commit suicide or to inflict serious physical injury upon  
34 himself **or herself**; and

35           (2) The force used is necessary to thwart such result.

36           6. The defendant shall have the burden of injecting the issue of justification under this  
37 section.

563.070. 1. Conduct which would otherwise constitute [a crime] **an offense** under  
2 chapter 565 is excusable and not criminal when it is the result of accident in any lawful act by  
3 lawful means without knowingly causing or attempting to cause physical injury and without  
4 acting with criminal negligence.

5           2. The defendant shall have the burden of injecting the issue of excuse authorized under  
6 this section.

565.002. As used in this chapter, unless a different meaning is otherwise plainly required  
2 **the following terms mean:**

3           (1) "Adequate cause" [means] , cause that would reasonably produce a degree of passion  
4 in a person of ordinary temperament sufficient to substantially impair an ordinary person's  
5 capacity for self-control;

6           (2) "**Child**", a person under seventeen years of age;

7           (3) "Conduct", includes any act or omission;

8           (4) **"Course of conduct", a pattern of conduct composed of two or more acts, which**  
9 **may include communication by any means, over a period of time, however short,**  
10 **evidencing a continuity of purpose. Constitutionally protected activity is not included**  
11 **within the meaning of course of conduct. Such constitutionally protected activity includes**  
12 **picketing or other organized protests;**

13           [(3)] (5) "Deliberation" means cool reflection for any length of time no matter how brief;

14           [(4) "Intoxicated condition" means under the influence of alcohol, a controlled substance,

15 or drug, or any combination thereof;

16           (5) "Operates" means physically driving or operating or being in actual physical control  
17 of a motor vehicle;

18           (6) "Serious physical injury" means physical injury that creates a substantial risk of death  
19 or that causes serious disfigurement or protracted loss or impairment of the function of any part  
20 of the body;]

21           (6) **"Domestic victim", a household or family member or any person who is or has**  
22 **been in a continuing social relationship of a romantic or social nature with the defendant,**  
23 **including spouses, former spouses, persons related by blood or marriage, persons who are**  
24 **presently residing together or have resided together in the past and persons who have a**  
25 **child in common regardless of whether they have been married or have resided together**  
26 **at any time;**

27           (7) **"Emotional distress", something markedly greater than the level of uneasiness,**  
28 **nervousness, unhappiness, or the like which are commonly experienced in day to day**  
29 **living;**

30           (8) **"Full or partial nudity", the showing of all or any part of the human genitals**  
31 **or pubic area or buttock, or any part of the nipple of the breast of any female person, with**  
32 **less than a fully opaque covering;**

33           (9) **"Legal custody", the right to the care, custody and control of a child;**

34           (10) **"Parent", either a biological parent or a parent by adoption;**

35           (11) **"Person having a right of custody", a parent or legal guardian of the child;**

36           (12) **"Photographs" or "films", the making of any photograph, motion picture film,**  
37 **videotape, or any other recording or transmission of the image of a person;**

38           (13) **"Place where a person would have a reasonable expectation of privacy", any**  
39 **place where a reasonable person would believe that a person could disrobe in privacy,**  
40 **without being concerned that the person's undressing was being viewed, photographed or**  
41 **filmed by another;**

42           (14) **"Special victim", include any of the following:**

43           (a) **A law enforcement officer assaulted in the performance of official duties or as**  
44 **a direct result of such official duties;**

- 45           **(b) Emergency personnel, meaning any paid or volunteer firefighter, emergency**  
46 **room or trauma center personnel, or emergency medical technician, assaulted in the**  
47 **performance of official duties or as a direct result of such official duties;**
- 48           **(c) A probation and parole officer assaulted in the performance of official duties**  
49 **or as a direct result of such official duties;**
- 50           **(d) Elderly person;**
- 51           **(e) Disabled person;**
- 52           **(f) Any jailer or corrections officer of the state or one of its political subdivisions;**  
53 **or**
- 54           **(g) A highway worker in a construction or work zone as the terms "highway**  
55 **worker", "construction zone", or "work zone" are defined under section 304.580;**
- 56           **[(7)] (15) "Sudden passion" [means] , passion directly caused by and arising out of**  
57 **provocation by the victim or another acting with the victim which passion arises at the time of**  
58 **the offense and is not solely the result of former provocation;**
- 59           **[(8)] (16) "Trier" [means] , the judge or jurors to whom issues of fact, guilt or innocence,**  
60 **or the assessment and declaration of punishment are submitted for decision;**
- 61           **(17) "Views", the looking upon of another person, with the unaided eye or with any**  
62 **device designed or intended to improve visual acuity, for the purpose of arousing or**  
63 **gratifying the sexual desire of any person.**

565.004. 1. Each homicide offense which is lawfully joined in the same indictment or  
2 information together with any homicide offense or offense other than a homicide shall be  
3 charged together with such offense in separate counts. A count charging any offense of homicide  
4 may only be charged and tried together with one or more counts of any other homicide or offense  
5 other than a homicide as provided in subsection 2 of section 545.140. Except as provided in  
6 subsections 2, 3, and 4 of this section, no murder in the first degree offense may be tried together  
7 with any offense other than murder in the first degree. In the event of a joinder of homicide  
8 offenses, all offenses charged which are supported by the evidence in the case, together with all  
9 proper lesser offenses under section [565.025] 565.029, shall, when requested by one of the  
10 parties or the court, be submitted to the jury or, in a jury-waived trial, considered by the judge.

11           2. A count charging any offense of homicide of a particular individual may be joined in  
12 an indictment or information and tried with one or more counts charging alternatively any other  
13 homicide or offense other than a homicide committed against that individual. The state shall not  
14 be required to make an election as to the alternative count on which it will proceed. This  
15 subsection in no way limits the right to try in the conjunctive, where they are properly joined  
16 under subsection 1 of this section, either separate offenses other than murder in the first degree  
17 or separate offenses of murder in the first degree committed against different individuals.

18           3. When a defendant has been charged and proven before trial to be a prior offender  
19 pursuant to chapter 558 so that the judge shall assess punishment and not a jury for an offense

20 other than murder in the first degree, that offense may be tried and submitted to the trier together  
21 with any murder in the first degree charge with which it is lawfully joined. In such case the  
22 judge will assess punishment on any offense joined with a murder in the first degree charge  
23 according to law and, when the trier is a jury, it shall be instructed upon punishment on the  
24 charge of murder in the first degree in accordance with section 565.030.

25 4. When the state waives the death penalty for a murder first degree offense, that offense  
26 may be tried and submitted to the trier together with any other charge with which it is lawfully  
27 joined.

[565.080.] **565.010.** 1. When conduct is charged to constitute an offense because it  
2 causes or threatens physical injury, consent to that conduct or to the infliction of the injury is a  
3 defense only if:

4 (1) The physical injury consented to or threatened by the conduct is not serious physical  
5 injury; or

6 (2) The conduct and the harm are reasonably foreseeable hazards of

7 (a) The victim's occupation or profession; or

8 (b) Joint participation in a lawful athletic contest or competitive sport; or

9 (3) The consent establishes a justification for the conduct under chapter 563 of this code.

10 2. The defendant shall have the burden of injecting the issue of consent.

565.020. 1. A person commits the [crime] **offense** of murder in the first degree if he **or**  
2 **she** knowingly causes the death of another person after deliberation upon the matter.

3 2. **The offense of** murder in the first degree is a class A felony, and the punishment shall  
4 be either death or imprisonment for life without eligibility for probation or parole, or release  
5 except by act of the governor; except that, if a person has not reached his [sixteenth] **or her**  
6 **eighteenth** birthday at the time of the commission of the [crime] **offense**, the punishment shall  
7 be imprisonment for life without eligibility for probation or parole, or release except by act of  
8 the governor.

565.021. 1. A person commits the [crime] **offense** of murder in the second degree if he  
2 **or she**:

3 (1) Knowingly causes the death of another person or, with the purpose of causing serious  
4 physical injury to another person, causes the death of another person; or

5 (2) Commits or attempts to commit any felony, and, in the perpetration or the attempted  
6 perpetration of such felony or in the flight from the perpetration or attempted perpetration of  
7 such felony, another person is killed as a result of the perpetration or attempted perpetration of  
8 such felony or immediate flight from the perpetration of such felony or attempted perpetration  
9 of such felony.

10 2. **The offense of** murder in the second degree is a class A felony, and the punishment  
11 for second degree murder shall be in addition to the punishment for commission of a related  
12 felony or attempted felony, other than murder or manslaughter.

13           3. Notwithstanding section 556.046 and section [565.025] **565.029**, in any charge of  
14 murder in the second degree, the jury shall be instructed on, or, in a jury-waived trial, the judge  
15 shall consider, any and all of the subdivisions in subsection 1 of this section which are supported  
16 by the evidence and requested by one of the parties or the court.

          565.023. 1. A person commits the [crime] **offense** of voluntary manslaughter if he **or**  
2 **she**:

3           (1) Causes the death of another person under circumstances that would constitute murder  
4 in the second degree under subdivision (1) of subsection 1 of section 565.021, except that he **or**  
5 **she** caused the death under the influence of sudden passion arising from adequate cause; or

6           (2) Knowingly assists another in the commission of self-murder.

7           2. The defendant shall have the burden of injecting the issue of influence of sudden  
8 passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

9           3. **The offense of** voluntary manslaughter is a class B felony.

          565.024. 1. A person commits the [crime] **offense** of involuntary manslaughter in the  
2 first degree if he or she[:

3           (1)] recklessly causes the death of another person[: or

4           (2) While in an intoxicated condition operates a motor vehicle or vessel in this state and,  
5 when so operating, acts with criminal negligence to cause the death of any person; or

6           (3) While in an intoxicated condition operates a motor vehicle or vessel in this state, and,  
7 when so operating, acts with criminal negligence to:

8           (a) Cause the death of any person not a passenger in the vehicle or vessel operated by  
9 the defendant, including the death of an individual that results from the defendant's vehicle  
10 leaving a highway, as defined by section 301.010, or the highway's right-of-way; or vessel  
11 leaving the water; or

12           (b) Cause the death of two or more persons; or

13           (c) Cause the death of any person while he or she has a blood alcohol content of at least  
14 eighteen-hundredths of one percent by weight of alcohol in such person's blood; or

15           (4) Operates a motor vehicle in violation of subsection 2 of section 304.022, and when  
16 so operating, acts with criminal negligence to cause the death of any person authorized to operate  
17 an emergency vehicle, as defined in section 304.022, while such person is in the performance of  
18 official duties;

19           (5) Operates a vessel in violation of subsections 1 and 2 of section 306.132, and when  
20 so operating acts with criminal negligence to cause the death of any person authorized to operate  
21 an emergency watercraft, as defined in section 306.132, while such person is in the performance  
22 of official duties].

23           2. **The offense of** involuntary manslaughter in the first degree [under subdivision (1) or  
24 (2) of subsection 1 of this section] is a class C felony. [Involuntary manslaughter in the first  
25 degree under subdivision (3) of subsection 1 of this section is a class B felony. A second or

26 subsequent violation of subdivision (3) of subsection 1 of this section is a class A felony. For  
27 any violation of subdivision (3) of subsection 1 of this section, the minimum prison term which  
28 the defendant must serve shall be eighty-five percent of his or her sentence. Any violation of  
29 subdivisions (4) and (5) of subsection 1 of this section is a class B felony.

30 3. A person commits the crime of involuntary manslaughter in the second degree if he  
31 acts with criminal negligence to cause the death of any person.

32 4. Involuntary manslaughter in the second degree is a class D felony.]

**565.027. 1. A person commits the offense of involuntary manslaughter in the  
2 second degree if he or she acts with criminal negligence to cause the death of any person.**

**3 2. The offense of involuntary manslaughter in the second degree is a class E felony.**

[565.025.] **565.029. 1.** With the exceptions provided in subsection 3 of this section and  
2 subsection 3 of section 565.021, section 556.046 shall be used for the purpose of consideration  
3 of lesser offenses by the trier in all homicide cases.

4 2. The following lists shall comprise, in the order listed, the lesser degree offenses:

5 (1) The lesser degree offenses of murder in the first degree are:

6 (a) Murder in the second degree under subdivisions (1) and (2) of subsection 1 of section  
7 565.021;

8 (b) Voluntary manslaughter under subdivision (1) of subsection 1 of section 565.023;  
9 [and]

10 (c) Involuntary manslaughter [under subdivision (1) of subsection 1 of section 565.024]  
11 **in the first degree; and**

12 **(d) Involuntary manslaughter in the second degree;**

13 (2) The lesser degree offenses of murder in the second degree are:

14 (a) Voluntary manslaughter under subdivision (1) of subsection 1 of section 565.023;  
15 [and]

16 (b) Involuntary manslaughter [under subdivision (1) of subsection 1 of section 565.024]  
17 **in the first degree; and**

18 **(c) Involuntary manslaughter in the second degree.**

19 3. No instruction on a lesser included offense shall be submitted unless requested by one  
20 of the parties or the court.

565.030. 1. [Where murder in the first degree is charged but not submitted or where the  
2 state waives the death penalty, the submission to the trier and all subsequent proceedings in the  
3 case shall proceed as in all other criminal cases with a single stage trial in which guilt and  
4 punishment are submitted together.

5 2.] Where murder in the first degree is submitted to the trier without a waiver of the  
6 death penalty, the trial shall proceed in two stages before the same trier. At the first stage the  
7 trier shall decide only whether the defendant is guilty or not guilty of any submitted offense. The  
8 issue of punishment shall not be submitted to the trier at the first stage. If an offense is charged

9 other than murder in the first degree in a count together with a count of murder in the first  
10 degree, the trial judge shall assess punishment on any such offense according to law, after the  
11 defendant is found guilty of such offense and after he finds the defendant to be a prior offender  
12 pursuant to chapter 558.

13 [3.] 2. If murder in the first degree is submitted and the death penalty was not waived but  
14 the trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed  
15 at which the only issue shall be the punishment to be assessed and declared. No further evidence  
16 shall be received. If the trier is a jury it shall be instructed on the law. The attorneys may then  
17 argue as in other criminal cases the issue of punishment, after which the trier shall assess and  
18 declare the punishment as in all other criminal cases.

19 [4.] 3. If the trier at the first stage of a trial where the death penalty was not waived finds  
20 the defendant guilty of murder in the first degree, a second stage of the trial shall proceed at  
21 which the only issue shall be the punishment to be assessed and declared. Evidence in  
22 aggravation and mitigation of punishment, including but not limited to evidence supporting any  
23 of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may  
24 be presented subject to the rules of evidence at criminal trials. Such evidence may include,  
25 within the discretion of the court, evidence concerning the murder victim and the impact of the  
26 [crime] **offense** upon the family of the victim and others. Rebuttal and surrebuttal evidence may  
27 be presented. The state shall be the first to proceed. If the trier is a jury it shall be instructed on  
28 the law. The attorneys may then argue the issue of punishment to the jury, and the state shall  
29 have the right to open and close the argument. The trier shall assess and declare the punishment  
30 at life imprisonment without eligibility for probation, parole, or release except by act of the  
31 governor:

32 (1) If the trier finds by a preponderance of the evidence that the defendant is mentally  
33 retarded; or

34 (2) If the trier does not find beyond a reasonable doubt at least one of the statutory  
35 aggravating circumstances set out in subsection 2 of section 565.032; or

36 (3) If the trier concludes that there is evidence in mitigation of punishment, including  
37 but not limited to evidence supporting the statutory mitigating circumstances listed in subsection  
38 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment  
39 found by the trier; or

40 (4) If the trier decides under all of the circumstances not to assess and declare the  
41 punishment at death. If the trier is a jury it shall be so instructed. If the trier assesses and  
42 declares the punishment at death it shall, in its findings or verdict, set out in writing the  
43 aggravating circumstance or circumstances listed in subsection 2 of section 565.032 which it  
44 found beyond a reasonable doubt. If the trier is a jury it shall be instructed before the case is  
45 submitted that if it is unable to decide or agree upon the punishment the court shall assess and  
46 declare the punishment at life imprisonment without eligibility for probation, parole, or release

47 except by act of the governor or death. The court shall follow the same procedure as set out in  
48 this section whenever it is required to determine punishment for murder in the first degree.

49 [5.] 4. Upon written agreement of the parties and with leave of the court, the issue of the  
50 defendant's mental retardation may be taken up by the court and decided prior to trial without  
51 prejudicing the defendant's right to have the issue submitted to the trier of fact as provided in  
52 subsection 4 of this section.

53 [6.] 5. As used in this section, the terms "mental retardation" or "mentally retarded" refer  
54 to a condition involving substantial limitations in general functioning characterized by  
55 significantly subaverage intellectual functioning with continual extensive related deficits and  
56 limitations in two or more adaptive behaviors such as communication, self-care, home living,  
57 social skills, community use, self-direction, health and safety, functional academics, leisure and  
58 work, which conditions are manifested and documented before eighteen years of age.

59 [7.] 6. The provisions of this section shall only govern offenses committed on or after  
60 August 28, 2001.

565.032. 1. In all cases of murder in the first degree for which the death penalty is  
2 authorized, the judge in a jury-waived trial shall consider, or [he] shall include in his **or her**  
3 instructions to the jury for it to consider:

4 (1) Whether a statutory aggravating circumstance or circumstances enumerated in  
5 subsection 2 of this section is established by the evidence beyond a reasonable doubt; and

6 (2) If a statutory aggravating circumstance or circumstances is proven beyond a  
7 reasonable doubt, whether the evidence as a whole justifies a sentence of death or a sentence of  
8 life imprisonment without eligibility for probation, parole, or release except by act of the  
9 governor. In determining the issues enumerated in subdivisions (1) and (2) of this subsection,  
10 the trier shall consider all evidence which it finds to be in aggravation or mitigation of  
11 punishment, including evidence received during the first stage of the trial and evidence  
12 supporting any of the statutory aggravating or mitigating circumstances set out in subsections 2  
13 and 3 of this section. If the trier is a jury, it shall not be instructed upon any specific evidence  
14 which may be in aggravation or mitigation of punishment, but shall be instructed that each juror  
15 shall consider any evidence which he **or she** considers to be aggravating or mitigating.

16 2. Statutory aggravating circumstances for a murder in the first degree offense shall be  
17 limited to the following:

18 (1) The offense was committed by a person with a prior record of conviction for murder  
19 in the first degree, or the offense was committed by a person who has one or more serious  
20 assaultive criminal convictions;

21 (2) The murder in the first degree offense was committed while the offender was  
22 engaged in the commission or attempted commission of another unlawful homicide;



23           (3) The offender by his **or her** act of murder in the first degree knowingly created a great  
24 risk of death to more than one person by means of a weapon or device which would normally be  
25 hazardous to the lives of more than one person;

26           (4) The offender committed the offense of murder in the first degree for himself **or**  
27 **herself** or another, for the purpose of receiving money or any other thing of monetary value from  
28 the victim of the murder or another;

29           (5) The murder in the first degree was committed against a judicial officer, former  
30 judicial officer, prosecuting attorney or former prosecuting attorney, circuit attorney or former  
31 circuit attorney, assistant prosecuting attorney or former assistant prosecuting attorney, assistant  
32 circuit attorney or former assistant circuit attorney, peace officer or former peace officer, elected  
33 official or former elected official during or because of the exercise of his official duty;

34           (6) The offender caused or directed another to commit murder in the first degree or  
35 committed murder in the first degree as an agent or employee of another person;

36           (7) The murder in the first degree was outrageously or wantonly vile, horrible or  
37 inhuman in that it involved torture, or depravity of mind;

38           (8) The murder in the first degree was committed against any peace officer, or fireman  
39 while engaged in the performance of his **or her** official duty;

40           (9) The murder in the first degree was committed by a person in, or who has escaped  
41 from, the lawful custody of a peace officer or place of lawful confinement;

42           (10) The murder in the first degree was committed for the purpose of avoiding,  
43 interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of  
44 himself **or herself** or another;

45           (11) The murder in the first degree was committed while the defendant was engaged in  
46 the perpetration or was aiding or encouraging another person to perpetrate or attempt to  
47 perpetrate a felony of any degree of rape, sodomy, burglary, robbery, kidnapping, or any felony  
48 offense in chapter [195] **579**;

49           (12) The murdered individual was a witness or potential witness in any past or pending  
50 investigation or past or pending prosecution, and was killed as a result of his **or her** status as a  
51 witness or potential witness;

52           (13) The murdered individual was an employee of an institution or facility of the  
53 department of corrections of this state or local correction agency and was killed in the course of  
54 performing his **or her** official duties, or the murdered individual was an inmate of such  
55 institution or facility;

56           (14) The murdered individual was killed as a result of the hijacking of an airplane, train,  
57 ship, bus or other public conveyance;

58           (15) The murder was committed for the purpose of concealing or attempting to conceal  
59 any felony offense defined in chapter [195] **579**;

60 (16) The murder was committed for the purpose of causing or attempting to cause a  
61 person to refrain from initiating or aiding in the prosecution of a felony offense defined in  
62 chapter [195] **579**;

63 (17) The murder was committed during the commission of [a crime] **an offense** which  
64 is part of a pattern of criminal street gang activity as defined in section 578.421.

65 3. Statutory mitigating circumstances shall include the following:

66 (1) The defendant has no significant history of prior criminal activity;

67 (2) The murder in the first degree was committed while the defendant was under the  
68 influence of extreme mental or emotional disturbance;

69 (3) The victim was a participant in the defendant's conduct or consented to the act;

70 (4) The defendant was an accomplice in the murder in the first degree committed by  
71 another person and his **or her** participation was relatively minor;

72 (5) The defendant acted under extreme duress or under the substantial domination of  
73 another person;

74 (6) The capacity of the defendant to appreciate the criminality of his **or her** conduct or  
75 to conform his **or her** conduct to the requirements of law was substantially impaired;

76 (7) The age of the defendant at the time of the [crime] **offense**.

565.035. 1. Whenever the death penalty is imposed in any case, and upon the judgment  
2 becoming final in the trial court, the sentence shall be reviewed on the record by the supreme  
3 court of Missouri. The circuit clerk of the court trying the case, within ten days after receiving  
4 the transcript, shall transmit the entire record and transcript to the supreme court together with  
5 a notice prepared by the circuit clerk and a report prepared by the trial judge. The notice shall  
6 set forth the title and docket number of the case, the name of the defendant and the name and  
7 address of his attorney, a narrative statement of the judgment, the offense, and the punishment  
8 prescribed. The report by the judge shall be in the form of a standard questionnaire prepared and  
9 supplied by the supreme court of Missouri.

10 2. The supreme court of Missouri shall consider the punishment as well as any errors  
11 enumerated by way of appeal.

12 3. With regard to the sentence, the supreme court shall determine:

13 (1) Whether the sentence of death was imposed under the influence of passion, prejudice,  
14 or any other arbitrary factor; and

15 (2) Whether the evidence supports the jury's or judge's finding of a statutory aggravating  
16 circumstance as enumerated in subsection 2 of section 565.032 and any other circumstance  
17 found;

18 (3) Whether the sentence of death is excessive or disproportionate to the penalty imposed  
19 in similar cases, considering both the [crime] **offense**, the strength of the evidence and the  
20 defendant.

21           4. Both the defendant and the state shall have the right to submit briefs within the time  
22 provided by the supreme court, and to present oral argument to the supreme court.

23           5. The supreme court shall include in its decision a reference to those similar cases which  
24 it took into consideration. In addition to its authority regarding correction of errors, the supreme  
25 court, with regard to review of death sentences, shall be authorized to:

26           (1) Affirm the sentence of death; or

27           (2) Set the sentence aside and resentence the defendant to life imprisonment without  
28 eligibility for probation, parole, or release except by act of the governor; or

29           (3) Set the sentence aside and remand the case for retrial of the punishment hearing. A  
30 new jury shall be selected or a jury may be waived by agreement of both parties and then the  
31 punishment trial shall proceed in accordance with this chapter, with the exception that the  
32 evidence of the guilty verdict shall be admissible in the new trial together with the official  
33 transcript of any testimony and evidence properly admitted in each stage of the original trial  
34 where relevant to determine punishment.

35           6. There shall be an assistant to the supreme court, who shall be an attorney appointed  
36 by the supreme court and who shall serve at the pleasure of the court. The court shall accumulate  
37 the records of all cases in which the sentence of death or life imprisonment without probation  
38 or parole was imposed after May 26, 1977, or such earlier date as the court may deem  
39 appropriate. The assistant shall provide the court with whatever extracted information the court  
40 desires with respect thereto, including but not limited to a synopsis or brief of the facts in the  
41 record concerning the [crime] **offense** and the defendant. The court shall be authorized to  
42 employ an appropriate staff, within the limits of appropriations made for that purpose, and such  
43 methods to compile such data as are deemed by the supreme court to be appropriate and relevant  
44 to the statutory questions concerning the validity of the sentence. The office of the assistant to  
45 the supreme court shall be attached to the office of the clerk of the supreme court for  
46 administrative purposes.

47           7. In addition to the mandatory sentence review, there shall be a right of direct appeal  
48 of the conviction to the supreme court of Missouri. This right of appeal may be waived by the  
49 defendant. If an appeal is taken, the appeal and the sentence review shall be consolidated for  
50 consideration. The court shall render its decision on legal errors enumerated, the factual  
51 substantiation of the verdict, and the validity of the sentence.

565.040. 1. In the event that the death penalty provided in this chapter is held to be  
2 unconstitutional, any person convicted of murder in the first degree shall be sentenced by the  
3 court to life imprisonment without eligibility for probation, parole, or release except by act of  
4 the governor, with the exception that when a specific aggravating circumstance found in a case  
5 is held to be unconstitutional or invalid for another reason, the supreme court of Missouri is  
6 further authorized to remand the case for resentencing or retrial of the punishment pursuant to  
7 subsection 5 of section [565.036] **565.035**.

8           2. In the event that any death sentence imposed pursuant to this chapter is held to be  
9 unconstitutional, the trial court which previously sentenced the defendant to death shall cause  
10 the defendant to be brought before the court and shall sentence the defendant to life  
11 imprisonment without eligibility for probation, parole, or release except by act of the governor,  
12 with the exception that when a specific aggravating circumstance found in a case is held to be  
13 inapplicable, unconstitutional or invalid for another reason, the supreme court of Missouri is  
14 further authorized to remand the case for retrial of the punishment pursuant to subsection 5 of  
15 section 565.035.

          565.050. 1. A person commits the [crime] **offense** of assault in the first degree if he **or**  
2 **she** attempts to kill or knowingly causes or attempts to cause serious physical injury to another  
3 person.

4           2. **The offense of** assault in the first degree is a class B felony unless in the course  
5 thereof the [actor] **person** inflicts serious physical injury on the victim, **or if the victim of such**  
6 **assault is a special victim, as the term "special victim" is defined under section 565.002**, in  
7 which case it is a class A felony.

          [565.060.] **565.052.** 1. A person commits the [crime] **offense** of assault in the second  
2 degree if he **or she**:

3           (1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to  
4 another person under the influence of sudden passion arising out of adequate cause; or

5           (2) Attempts to cause or knowingly causes physical injury to another person by means  
6 of a deadly weapon or dangerous instrument; or

7           (3) Recklessly causes serious physical injury to another person; or

8           (4) [While in an intoxicated condition or under the influence of controlled substances  
9 or drugs, operates a motor vehicle in this state and, when so operating, acts with criminal  
10 negligence to cause physical injury to any other person than himself; or

11           (5)] Recklessly causes physical injury to another person by means of discharge of a  
12 firearm]; or

13           (6) Operates a motor vehicle in violation of subsection 2 of section 304.022, and when  
14 so operating, acts with criminal negligence to cause physical injury to any person authorized to  
15 operate an emergency vehicle, as defined in section 304.022, while such person is in the  
16 performance of official duties].

17           2. The defendant shall have the burden of injecting the issue of influence of sudden  
18 passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

19           3. **The offense of** assault in the second degree is a class [C] **D** felony, **unless the victim**  
20 **of such assault is a special victim, as the term "special victim" is defined under section**  
21 **565.002, in which case it is a class B felony.**

          [565.070.] **565.054.** 1. A person commits the [crime] **offense** of assault in the third  
2 degree if[:

3 (1) The person attempts to cause or recklessly causes physical injury to another person;  
4 or

5 (2) With criminal negligence the person causes physical injury to another person by  
6 means of a deadly weapon; or

7 (3) The person purposely places another person in apprehension of immediate physical  
8 injury; or

9 (4) The person recklessly engages in conduct which creates a grave risk of death or  
10 serious physical injury to another person; or

11 (5) The person knowingly causes physical contact with another person knowing the other  
12 person will regard the contact as offensive or provocative; or

13 (6) The person knowingly causes physical contact with an incapacitated person, as  
14 defined in section 475.010, which a reasonable person, who is not incapacitated, would consider  
15 offensive or provocative.

16 2. Except as provided in subsections 3 and 4 of this section, assault in the third degree  
17 is a class A misdemeanor.

18 3. A person who violates the provisions of subdivision (3) or (5) of subsection 1 of this  
19 section is guilty of a class C misdemeanor.

20 4. A person who has pled guilty to or been found guilty of the crime of assault in the  
21 third degree more than two times against any family or household member as defined in section  
22 455.010 is guilty of a class D felony for the third or any subsequent commission of the crime of  
23 assault in the third degree when a class A misdemeanor. The offenses described in this  
24 subsection may be against the same family or household member or against different family or  
25 household members] **he or she knowingly causes physical injury to another person.**

26 **2. The offense of assault in the third degree is a class E felony, unless the victim of**  
27 **such assault is a special victim, as the term "special victim" is defined under section**  
28 **565.002, in which case it is a class D felony.**

**565.056. 1. A person commits the offense of assault in the fourth degree if:**

2 **(1) The person attempts to cause or recklessly causes physical injury, physical pain,**  
3 **or illness to another person; or**

4 **(2) With criminal negligence the person causes physical injury to another person**  
5 **by means of a firearm; or**

6 **(3) The person purposely places another person in apprehension of immediate**  
7 **physical injury; or**

8 **(4) The person recklessly engages in conduct which creates a substantial risk of**  
9 **death or serious physical injury to another person; or**

10 **(5) The person knowingly causes physical contact with a disabled person, which a**  
11 **reasonable person, who is not disabled, would consider offensive or provocative; or**

12           **(6) The person knowingly causes physical contact with another person knowing the**  
13 **other person will regard the contact as offensive or provocative.**

14           **2. Except as provided in subsection 3 of this section, assault in the fourth degree is**  
15 **a class A misdemeanor.**

16           **3. Violation of the provisions of subdivision (3) or (6) of subsection 1 of this section**  
17 **is a class C misdemeanor unless the victim is a special victim, as the term "special victim"**  
18 **is defined under section 565.002, in which case a violation of such provisions is a class A**  
19 **misdemeanor.**

          565.072. 1. A person commits the [crime] **offense** of domestic assault in the first degree  
2 if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to  
3 a [family or household member or an adult who is or has been in a continuing social relationship  
4 of a romantic or intimate nature with the actor, as defined in section 455.010] **domestic victim,**  
5 **as the term "domestic victim" is defined under section 565.002.**

6           **2. The offense of** domestic assault in the first degree is a class B felony unless in the  
7 course thereof the [actor] **person** inflicts serious physical injury on the victim [or has previously  
8 pleaded guilty to or been found guilty of committing this crime], in which case it is a class A  
9 felony.

          565.073. 1. A person commits the [crime] **offense** of domestic assault in the second  
2 degree if the act involves a [family or household member or an adult who is or has been in a  
3 continuing social relationship of a romantic or intimate nature with the actor, as defined in  
4 section 455.010] **domestic victim, as the term "domestic victim" is defined under section**  
5 **565.002,** and he or she:

6           (1) [Attempts to cause or] Knowingly causes physical injury to such family or household  
7 member by any means, including but not limited to, [by] use of a deadly weapon or dangerous  
8 instrument, or by choking or strangulation; or

9           (2) Recklessly causes serious physical injury to such family or household member; or

10          (3) Recklessly causes physical injury to such family or household member by means of  
11 any deadly weapon.

12          **2. The offense of** domestic assault in the second degree is a class [C] **D** felony.

          565.074. 1. [A person commits the crime of domestic assault in the third degree if the  
2 act involves a family or household member or an adult who is or has been in a continuing social  
3 relationship of a romantic or intimate nature with the actor, as defined in section 455.010 and:

4           (1) The person attempts to cause or recklessly causes physical injury to such family or  
5 household member; or

6           (2) With criminal negligence the person causes physical injury to such family or  
7 household member by means of a deadly weapon or dangerous instrument; or

8           (3) The person purposely places such family or household member in apprehension of  
9 immediate physical injury by any means; or

10 (4) The person recklessly engages in conduct which creates a grave risk of death or  
11 serious physical injury to such family or household member; or

12 (5) The person knowingly causes physical contact with such family or household  
13 member knowing the other person will regard the contact as offensive; or

14 (6) The person knowingly attempts to cause or causes the isolation of such family or  
15 household member by unreasonably and substantially restricting or limiting such family or  
16 household member's access to other persons, telecommunication devices or transportation for  
17 the purpose of isolation.

18 2. Except as provided in subsection 3 of this section, domestic assault in the third degree  
19 is a class A misdemeanor.

20 3. A person who has pleaded guilty to or been found guilty of the crime of domestic  
21 assault in the third degree more than two times against any family or household member as  
22 defined in section 455.010, or of any offense committed in violation of any county or municipal  
23 ordinance in any state, any state law, any federal law, or any military law which, if committed  
24 in this state, would be a violation of this section, is guilty of a class D felony for the third or any  
25 subsequent commission of the crime of domestic assault. The offenses described in this  
26 subsection may be against the same family or household member or against different family or  
27 household members] **A person commits the offense of domestic assault in the third degree**  
28 **if he or she attempts to cause physical injury or knowingly causes physical pain or illness**  
29 **to a domestic victim, as the term "domestic victim" is defined under section 565.002.**

30 **2. The offense of domestic assault in the third degree is a class E felony.**

**565.076. 1. A person commits the offense of domestic assault in the fourth degree**  
2 **if the act involves a domestic victim, as the term "domestic victim" is defined under section**  
3 **565.002, and:**

4 (1) **The person attempts to cause or recklessly causes physical injury, physical pain,**  
5 **or illness to such domestic victim; or**

6 (2) **With criminal negligence the person causes physical injury to such domestic**  
7 **victim by means of a deadly weapon or dangerous instrument; or**

8 (3) **The person purposely places such domestic victim in apprehension of immediate**  
9 **physical injury by any means; or**

10 (4) **The person recklessly engages in conduct which creates a substantial risk of**  
11 **death or serious physical injury to such domestic victim; or**

12 (5) **The person knowingly causes physical contact with such domestic victim**  
13 **knowing he or she will regard the contact as offensive; or**

14 (6) **The person knowingly attempts to cause or causes the isolation of such domestic**  
15 **victim by unreasonably and substantially restricting or limiting his or her access to other**  
16 **persons, telecommunication devices or transportation for the purpose of isolation.**

17           **2. The offense of domestic assault in the fourth degree is a class A misdemeanor,**  
18 **unless the person has previously been found guilty of the offenses of assault of a domestic**  
19 **victim two or more times, in which case it is a class E felony. The offenses described in this**  
20 **subsection may be against the same domestic victim or against different domestic victims.**

[565.063.] **565.079.** 1. As used in this section, the following terms mean:

2           (1) "[Domestic] Assault offense":

3           (a) The commission of the crime of domestic assault in the first degree or domestic  
4 assault in the second degree; or

5           (b) The commission of the crime of assault in the first degree or assault in the second  
6 degree if the victim of the assault was a family or household member;

7           (c) The commission of a crime in another state, or any federal, tribal, or military offense  
8 which, if committed in this state, would be a violation of any offense listed in paragraph (a) or  
9 (b) of this subdivision;

10          (2) "Family" or "household member", spouses, former spouses, adults related by blood  
11 or marriage, adults who are presently residing together or have resided together in the past and  
12 adults who have a child in common regardless of whether they have been married or have resided  
13 together at any time;

14          (3) , **the offenses of murder in the first degree, murder in the second degree,**  
15 **voluntary manslaughter, involuntary manslaughter in the first degree, assault in the first**  
16 **degree, assault in the second degree, assault in the third degree, assault in the fourth**  
17 **degree, domestic assault in the first degree, domestic assault in the second degree, domestic**  
18 **assault in the third degree, domestic assault in the fourth degree, or an attempt to commit**  
19 **any of these offenses, or the commission of an offense in another jurisdiction that if**  
20 **committed in this state would constitute commission of any of the listed offenses;**

21          (2) "Persistent [domestic violence] **assault** offender", a person who has [pleaded guilty  
22 to or has] been found guilty of two or more [domestic] assault offenses, where such two or more  
23 offenses occurred within ten years of the occurrence of the [domestic] assault offense for which  
24 the person is charged; and

25          (4) "Prior [domestic violence] **assault** offender", a person who has [pleaded guilty to or  
26 has] been found guilty of one [domestic] assault offense, where such prior offense occurred  
27 within five years of the occurrence of the [domestic] assault offense for which the person is  
28 charged.

29          2. No court shall suspend the imposition of sentence as to a prior or persistent [domestic  
30 violence] **assault** offender pursuant to this section nor sentence such person to pay a fine in lieu  
31 of a term of imprisonment, section 557.011 to the contrary notwithstanding, nor shall such  
32 person be eligible for parole or probation until such person has served a minimum of six months'  
33 imprisonment.



34           3. The court shall find the defendant to be a prior [domestic violence] **assault** offender  
35 or persistent [domestic violence] **assault** offender, if:

36           (1) The indictment or information, original or amended, or the information in lieu of an  
37 indictment pleads all essential facts warranting a finding that the defendant is a prior [domestic  
38 violence] **assault** offender or persistent [domestic violence] **assault** offender; and

39           (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding  
40 beyond a reasonable doubt the defendant is a prior [domestic violence] **assault** offender or  
41 persistent [domestic violence] **assault** offender; and

42           (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt  
43 by the court that the defendant is a prior [domestic violence] **assault** offender or persistent  
44 [domestic violence] **assault** offender.

45           4. In a jury trial, such facts shall be pleaded, established and found prior to submission  
46 to the jury outside of its hearing.

47           5. In a trial without a jury or upon a plea of guilty, the court may defer the proof in  
48 findings of such facts to a later time, but prior to sentencing.

49           6. The defendant shall be accorded full rights of confrontation and cross-examination,  
50 with the opportunity to present evidence, at such hearings.

51           7. The defendant may waive proof of the facts alleged.

52           8. Nothing in this section shall prevent the use of presentence investigations or  
53 commitments.

54           9. At the sentencing hearing both the state and the defendant shall be permitted to present  
55 additional information bearing on the issue of sentence.

56           10. The [pleas or] findings of [guilty] **guilt** shall be prior to the date of commission of  
57 the present offense.

58           11. The court shall not instruct the jury as to the range of punishment or allow the jury,  
59 upon a finding of [guilty] **guilt**, to assess and declare the punishment as part of its verdict in  
60 cases of prior [domestic violence] **assault** offenders or persistent [domestic violence] **assault**  
61 offenders.

62           12. Evidence of prior convictions shall be heard and determined by the trial court out of  
63 the hearing of the jury prior to the submission of the case to the jury, and shall include but not  
64 be limited to evidence of convictions received by a search of the records of the Missouri uniform  
65 law enforcement system maintained by the Missouri state highway patrol. After hearing the  
66 evidence, the court shall enter its findings thereon.

67           13. [Evidence of similar criminal convictions of domestic violence pursuant to this  
68 chapter, chapter 566, or chapter 568 within five years of the offense at issue, shall be admissible  
69 for the purposes of showing a past history of domestic violence.

70           14. Any person who has pleaded guilty to or been found guilty of a violation of section  
71 565.072 shall be sentenced to the authorized term of imprisonment for a class A felony if the

72 court finds the offender is a prior domestic violence offender. The offender shall be sentenced  
73 to the authorized term of imprisonment for a class A felony which term shall be served without  
74 probation or parole if the court finds the offender is a persistent domestic violence offender or  
75 the prior domestic violence offender inflicts serious physical injury on the victim.

76 15. Any person who has pleaded guilty to or been found guilty of a violation of section  
77 565.073 shall be sentenced:

78 (1) To the authorized term of imprisonment for a class B felony if the court finds the  
79 offender is a prior domestic violence offender; or

80 (2) To the authorized term of imprisonment for a class A felony if the court finds the  
81 offender is a persistent domestic violence offender] **The court shall sentence a person, who has**  
82 **been found to be a prior assault offender, and is found guilty of a class B, C, or D felony**  
83 **under this chapter to the authorized term of imprisonment for the class one class step**  
84 **higher than the offense for which the person was found guilty.**

85 **14. The court shall sentence a person, who has been found to be a persistent assault**  
86 **offender, and is found guilty of a class C or D felony under this chapter to the authorized**  
87 **term of imprisonment for the class two steps higher than the offense for which the person**  
88 **was found guilty. A person found to be a persistent assault offender who is found guilty**  
89 **of a class B felony shall be sentenced to the authorized term of imprisonment for a class A**  
90 **felony.**

565.090. 1. A person commits the crime of harassment **in the first degree** if he or she[:

2 (1) Knowingly communicates a threat to commit any felony to another person and in so  
3 doing frightens, intimidates, or causes emotional distress to such other person; or

4 (2) When communicating with another person, knowingly uses coarse language  
5 offensive to one of average sensibility and thereby puts such person in reasonable apprehension  
6 of offensive physical contact or harm; or

7 (3) Knowingly frightens, intimidates, or causes emotional distress to another person by  
8 anonymously making a telephone call or any electronic communication; or

9 (4) Knowingly communicates with another person who is, or who purports to be,  
10 seventeen years of age or younger and in so doing and without good cause recklessly frightens,  
11 intimidates, or causes emotional distress to such other person; or

12 (5) Knowingly makes repeated unwanted communication to another person; or

13 (6) Without good cause engages in any other act with the purpose to frighten, intimidate,  
14 or cause emotional distress to another person, cause such person to be frightened, intimidated,  
15 or emotionally distressed, and such person's response to the act is one of a person of average  
16 sensibilities considering the age of such person] , **without good cause, engages in any act with**  
17 **the purpose to cause emotional distress to another person, and such act does cause such**  
18 **person to suffer emotional distress.**

19 2. **The offense of harassment** [is a class A misdemeanor unless:

20 (1) Committed by a person twenty-one years of age or older against a person seventeen  
21 years of age or younger; or

22 (2) The person has previously pleaded guilty to or been found guilty of a violation of this  
23 section, or of any offense committed in violation of any county or municipal ordinance in any  
24 state, any state law, any federal law, or any military law which, if committed in this state, would  
25 be chargeable or indictable as a violation of any offense listed in this subsection. In such cases,  
26 harassment shall be a class D felony] **in the first degree is a class E felony.**

27 3. This section shall not apply to activities of federal, state, county, or municipal law  
28 enforcement officers conducting investigations of violation of federal, state, county, or municipal  
29 law.

**565.091. 1. A person commits the offense of harassment in the second degree if he  
2 or she without good cause, engages in any act with the purpose to cause emotional distress  
3 to another person.**

4 **2. The offense of harassment in the second degree is a class A misdemeanor.**

565.110. 1. A person commits the [crime] **offense of kidnapping in the first degree** if  
2 he or she unlawfully removes another **person** without his or her consent from the place where  
3 he or she is found or unlawfully confines another **person** without his or her consent for a  
4 substantial period, for the purpose of:

5 (1) Holding that person for ransom or reward, or for any other act to be performed or not  
6 performed for the return or release of that person; or

7 (2) Using the person as a shield or as a hostage; or

8 (3) Interfering with the performance of any governmental or political function; or

9 (4) Facilitating the commission of any felony or flight thereafter; or

10 (5) Inflicting physical injury on or terrorizing the victim or another.

11 **2. The offense of kidnapping in the first degree** is a class A felony unless committed  
12 under subdivision (4) or (5) of subsection 1 in which cases it is a class B felony.

565.115. 1. A person commits the [crime] **offense of child kidnapping** if [such person]  
2 **he or she** is not a relative of the child within the third degree and [such person:

3 (1) Unlawfully removes a child under the age of fourteen without the consent of such  
4 child's parent or guardian from the place where such child is found; or

5 (2) Unlawfully confines a child under the age of fourteen without the consent of such  
6 child's parent or guardian] , **knowing he or she has no right to do so, removes a child under  
7 the age of fourteen without consent of the child's parents or guardian, or confines such  
8 child for a substantial period of time without such consent.**

9 2. In determining whether the child was removed or confined unlawfully, it is an  
10 affirmative defense that the person reasonably believed that the person's actions were necessary  
11 to preserve the child from danger to his or her welfare.

12           3. **The offense of** child kidnapping is a class [A] **B felony, unless such child is under**  
13 **two years of age, in which case it is a class A felony.**

          565.120. 1. A person commits the [crime of felonious restraint] **offense of kidnapping**  
2 **in the second degree** if he **or she** knowingly restrains another unlawfully and without consent  
3 so as to interfere substantially with his **or her** liberty and exposes him **or her** to a substantial risk  
4 of serious physical injury.

          2. [Felonious restraint is a class C felony] **The offense of kidnapping in the second**  
6 **degree is a class D felony.**

          565.130. 1. A person commits the [crime of false imprisonment] **offense of kidnapping**  
2 **in the third degree** if he **or she** knowingly restrains another unlawfully and without consent so  
3 as to interfere substantially with his **or her** liberty.

          2. [False imprisonment] **The offense of kidnapping in the third degree** is a class A  
5 misdemeanor unless the person unlawfully restrained is removed from this state, in which case  
6 it is a class [D] **E felony.**

          565.140. 1. A person does not commit [false imprisonment] **the offense of kidnapping**  
2 **in the third degree** under section 565.130 if the person restrained is a child [under the age of]  
3 **less than seventeen years of age and:**

          (1) A parent, guardian or other person responsible for the general supervision of the  
5 child's welfare has consented to the restraint; or

          (2) The [actor] **person** is a relative of the child; and

          (a) The [actor's] **person's** sole purpose is to assume control of the child; and

          (b) The child is not taken out of the state of Missouri.

          2. For the purpose of this section, "relative" means a parent or stepparent, ancestor,  
10 sibling, uncle or aunt, including an adoptive relative of the same degree through marriage or  
11 adoption.

          3. The defendant shall have the burden of injecting the issue of a defense under this  
13 section.

          565.150. 1. A person commits the [crime] **offense** of interference with custody if,  
2 knowing that he **or she** has no legal right to do so, he **or she** takes or entices from legal custody  
3 any person entrusted by order of a court to the custody of another person or institution.

          2. **The offense of** interference with custody is a class A misdemeanor unless the person  
5 taken or enticed away from legal custody is removed from this state, detained in another state or  
6 concealed, in which case it is a class [D] **E felony.**

          3. **Upon a finding of guilt for an offense under this section, the court may, in**  
8 **addition to or in lieu of any sentence or fine imposed, assess as restitution against the**  
9 **defendant and in favor of the legal custodian or parent, any reasonable expenses incurred**  
10 **by the legal custodian or parent in searching for or returning the child.**

565.153. 1. In the absence of a court order determining rights of custody or visitation to a child, a person having a right of custody of the child commits the [crime] **offense** of parental kidnapping if he **or she** removes, takes, detains, conceals, or entices away that child within or without the state, without good cause, and with the intent to deprive the custody right of another person or a public agency also having a custody right to that child.

2. Parental kidnapping is a class [D] **E** felony, unless committed by detaining or concealing the whereabouts of the child for:

(1) Not less than sixty days but not longer than one hundred nineteen days, in which case, the [crime] **offense** is a class [C] **D** felony;

(2) Not less than one hundred twenty days, in which case, the [crime] **offense** is a class [B] **C** felony.

3. A subsequently obtained court order for custody or visitation shall not affect the application of this section.

**4. Upon a finding of guilt for an offense under this section, the court may, in addition to or in lieu of any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or parent, any reasonable expenses incurred by the legal custodian or parent in searching for or returning the child.**

565.156. 1. A person commits the [crime] **offense** of child abduction if he or she:

(1) Intentionally takes, detains, entices, conceals or removes a child from a parent after being served with process in an action affecting marriage or paternity but prior to the issuance of a temporary or final order determining custody; **or**

(2) At the expiration of visitation rights outside the state, intentionally fails or refuses to return or impedes the return of the child to the legal custodian in Missouri; **or**

(3) Conceals, detains, or removes the child for payment or promise of payment at the instruction of a person who has no legal right to custody; **or**

(4) Retains in this state for thirty days a child removed from another state without the consent of the legal custodian or in violation of a valid court order of custody; or

(5) Having legal custody of the child pursuant to a valid court order, removes, takes, detains, conceals or entices away that child within or without the state, without good cause, and with the intent to deprive the custody or visitation rights of another person, without obtaining written consent as is provided under section 452.377.

2. **The offense of** child abduction is a class [D] **E** felony.

**3. Upon a finding of guilt for an offense under this section, the court may, in addition to or in lieu of any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or parent, any reasonable expenses incurred by the legal custodian or parent in searching for or returning the child.**

565.160. It shall be an absolute defense to the [crimes] **offenses of interference with custody, parental kidnapping, and child abduction that:**

3 (1) The person had custody of the child pursuant to a valid court order granting legal  
4 custody or visitation rights which existed at the time of the alleged violation, except that this  
5 defense is not available to persons charged with child abduction under subdivision (5) of  
6 subsection 1 of section 565.156;

7 (2) [The person had physical custody of the child pursuant to a court order granting legal  
8 custody or visitation rights and failed to return the child as a result of circumstances beyond his  
9 or her control, and the person notified or made a reasonable attempt to notify the other parent or  
10 legal custodian of the child of such circumstances within twenty-four hours after the visitation  
11 period had expired and returned the child as soon as possible] **After expiration of a period of**  
12 **custody or visitation granted by court order, the person failed to return the child as a result**  
13 **of circumstances beyond such person's control, and the person notified or made a**  
14 **reasonable attempt to notify the other parent or legal custodian of the child of such**  
15 **circumstance within twenty-four hours after the expiration of the period of custody or**  
16 **visitation and returned the child as soon as possible; or**

17 (3) The person was fleeing an incident or pattern of domestic violence.

565.163. Persons accused of committing the [crime] **offense** of interference with  
2 custody, parental kidnapping or child abduction [shall] **may** be prosecuted by the prosecuting  
3 attorney or circuit attorney:

4 (1) In the county in which the child was taken or enticed away from legal custody; **or**

5 (2) In any county in which the child who was taken or enticed away from legal custody  
6 was taken or held by the defendant; **or**

7 (3) The county in which lawful custody of the child taken or enticed away was granted;  
8 **or**

9 (4) The county in which the defendant is found.

565.184. 1. A person commits the [crime of elder abuse in the third degree] **offense of**  
2 **abuse of an elderly or disabled person** if he **or she**:

3 (1) [Knowingly causes or attempts to cause physical contact with any person sixty years  
4 of age or older or an eligible adult as defined in section 660.250, knowing the other person will  
5 regard the contact as harmful or provocative; or

6 (2)] Purposely engages in conduct involving more than one incident that causes [grave]  
7 emotional distress to [a person sixty years of age or older or an eligible adult, as defined in  
8 section 660.250] **an elderly or disabled person**. The course of conduct shall be such as would  
9 cause a reasonable [person age sixty years of age or older or an eligible adult, as defined in  
10 section 660.250,] **elderly or disabled person** to suffer substantial emotional distress; or

11 [(3) Purposely or knowingly places a person sixty years of age or older or an eligible  
12 adult, as defined in section 660.250, in apprehension of immediate physical injury; or

13 (4)] **(2)** Intentionally fails to provide care, goods or services to [a person sixty years of  
14 age or older or an eligible adult, as defined in section 660.250] **an elderly or disabled person**.

15 The result of the conduct shall be such as would cause a reasonable [person age sixty or older  
16 or an eligible adult, as defined in section 660.250,] **elderly or disabled person** to suffer physical  
17 or emotional distress; or

18 [(5)] **(3)** Knowingly acts or knowingly fails to act in a manner which results in a [grave]  
19 **substantial** risk to the life, body or health of [a person sixty years of age or older or an eligible  
20 adult, as defined in section 660.250] **an elderly or disabled person.**

21 2. [Elder abuse in the third degree] **The offense of abuse of an elderly or disabled**  
22 **person** is a class A misdemeanor.

565.188. 1. [When any adult day care worker; chiropractor; Christian Science  
2 practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental  
3 health, or health and senior services; employee of a local area agency on aging or an organized  
4 area agency on aging program; funeral director; home health agency or home health agency  
5 employee; hospital and clinic personnel engaged in examination, care, or treatment of persons;  
6 in-home services owner, provider, operator, or employee; law enforcement officer; long-term  
7 care facility administrator or employee; medical examiner; medical resident or intern; mental  
8 health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner;  
9 peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist;  
10 probation or parole officer; psychologist; social worker; or other person with responsibility for  
11 the care of a person sixty years of age or older has reasonable cause to suspect that such a person  
12 has been subjected to abuse or neglect or observes such a person being subjected to conditions  
13 or circumstances which would reasonably result in abuse or neglect, he or she shall immediately  
14 report or cause a report to be made to the department in accordance with the provisions of  
15 sections 660.250 to 660.295. Any other person who becomes aware of circumstances which may  
16 reasonably be expected to be the result of or result in abuse or neglect may report to the  
17 department.

18 2. Any person who knowingly fails to make a report as required in subsection 1 of this  
19 section is guilty of a class A misdemeanor.

20 3. Any person who purposely files a false report of elder abuse or neglect is guilty of a  
21 class A misdemeanor.

22 4. Every person who has been previously convicted of or pled guilty to making a false  
23 report to the department and who is subsequently convicted of making a false report under  
24 subsection 3 of this section is guilty of a class D felony.

25 5. Evidence of prior convictions of false reporting shall be heard by the court, out of the  
26 hearing of the jury, prior to the submission of the case to the jury, and the court shall determine  
27 the existence of the prior convictions] **A person commits the offense of failure to report elder**  
28 **abuse or neglect if he or she is required to make a report as required under subdivision (2)**  
29 **of subsection 1 of section 197.1002, and knowingly fails to make a report.**

30 **2. The offense of failure to report elder abuse or neglect is a class A misdemeanor.**

2       **565.189. 1. A person commits the offense of filing a false elder abuse or neglect**  
3       **report if he or she knowingly files a false report of elder abuse or neglect.**

4       **2. The offense of filing a false elder abuse or neglect report is a class A**  
5       **misdemeanor, unless the person has previously been found guilty of making a false report**  
6       **to the department and is subsequently found guilty of making a false report under this**  
7       **section, in which case it is a class E felony.**

8       **3. Evidence of prior convictions of false reporting shall be heard by the court, out**  
9       **of the hearing of the jury, prior to the submission of the case to the jury, and the court**  
10       **shall determine the existence of the prior convictions.**

11       565.218. 1. [When any physician, physician assistant, dentist, chiropractor, optometrist,  
12       podiatrist, intern, resident, nurse, nurse practitioner, medical examiner, social worker, licensed  
13       professional counselor, certified substance abuse counselor, psychologist, physical therapist,  
14       pharmacist, other health practitioner, minister, Christian Science practitioner, facility  
15       administrator, nurse's aide or orderly in a residential facility, day program or specialized service  
16       operated, funded or licensed by the department or in a mental health facility or mental health  
17       program in which people may be admitted on a voluntary basis or are civilly detained pursuant  
18       to chapter 632; or employee of the departments of social services, mental health, or health and  
19       senior services; or home health agency or home health agency employee; hospital and clinic  
20       personnel engaged in examination, care, or treatment of persons; in-home services owner,  
21       provider, operator, or employee; law enforcement officer; long-term care facility administrator  
22       or employee; mental health professional; peace officer; probation or parole officer; or other  
23       nonfamilial person with responsibility for the care of a vulnerable person, as defined by section  
24       630.005, has reasonable cause to suspect that such a person has been subjected to abuse or  
25       neglect or observes such a person being subjected to conditions or circumstances that would  
26       reasonably result in abuse or neglect, he or she shall immediately report or cause a report to be  
27       made to the department in accordance with section 630.163. Any other person who becomes  
28       aware of circumstances which may reasonably be expected to be the result of or result in abuse  
29       or neglect may report to the department. Notwithstanding any other provision of this section,  
30       a duly ordained minister, clergy, religious worker, or Christian Science practitioner while  
31       functioning in his or her ministerial capacity shall not be required to report concerning a  
32       privileged communication made to him or her in his or her professional capacity] **A person**  
33       **commits the offense of failure to report vulnerable person abuse or neglect if he or she is**  
34       **required to make a report under section 630.162 and knowingly fails to make a report.**

35       **2. [Any person who knowingly fails to make a report as required in subsection 1 of this**  
36       **section is guilty of a class A misdemeanor and shall be subject to a fine up to one thousand**  
37       **dollars] The offense of knowingly failing to make a report as required in this section is a**  
38       **class A misdemeanor and the offender shall be subject to a fine up to one thousand dollars,**  
39       **unless the offender has previously been found guilty of failing to make a report as required**



30 **in this section, in which case the offense is a class E felony and the offender shall be subject**  
31 **to a fine up to five thousand dollars.** Penalties collected for violations of this section shall be  
32 transferred to the state school moneys fund as established in section 166.051 and distributed to  
33 the public schools of this state in the manner provided in section 163.031. Such penalties shall  
34 not be considered charitable for tax purposes.

35 [3. Every person who has been previously convicted of or pled guilty to failing to make  
36 a report as required in subsection 1 of this section and who is subsequently convicted of failing  
37 to make a report under subsection 2 of this section is guilty of a class D felony and shall be  
38 subject to a fine up to five thousand dollars. Penalties collected for violation of this subsection  
39 shall be transferred to the state school moneys fund as established in section 166.051 and  
40 distributed to the public schools of this state in the manner provided in section 163.031. Such  
41 penalties shall not be considered charitable for tax purposes.

42 4. Any person who knowingly files a false report of vulnerable person abuse or neglect  
43 is guilty of a class A misdemeanor and shall be subject to a fine up to one thousand dollars.  
44 Penalties collected for violations of this subsection shall be transferred to the state school  
45 moneys fund as established in section 166.051 and distributed to the public schools of this state  
46 in the manner provided in section 163.031. Such penalties shall not be considered charitable for  
47 tax purposes.

48 5. Every person who has been previously convicted of or pled guilty to making a false  
49 report to the department and who is subsequently convicted of making a false report under  
50 subsection 4 of this section is guilty of a class D felony and shall be subject to a fine up to five  
51 thousand dollars. Penalties collected for violations of this subsection shall be transferred to the  
52 state school moneys fund as established in section 166.051 and distributed to the public schools  
53 of this state in the manner provided in section 163.031. Such penalties shall not considered  
54 charitable for tax purposes.

55 6. Evidence of prior convictions of false reporting shall be heard by the court, out of the  
56 hearing of the jury, prior to the submission of the case to the jury, and the court shall determine  
57 the existence of the prior convictions.

58 7. Any residential facility, day program or specialized service operated, funded or  
59 licensed by the department that prevents or discourages a patient, resident or client, employee  
60 or other person from reporting that a patient, resident or client of a facility, program or service  
61 has been abused or neglected shall be subject to loss of their license issued pursuant to sections  
62 630.705 to 630.760, and civil fines of up to five thousand dollars for each attempt to prevent or  
63 discourage reporting.]

**565.222. 1. A person commits the offense of filing a false vulnerable abuse report**  
2 **if he or she knowingly files a false report of vulnerable person abuse or neglect.**

3 **2. The offense of filing a false report of vulnerable person abuse or neglect is a class**  
4 **A misdemeanor and the offender shall be subject to a fine up to one thousand dollars,**

5 unless the offender has previously been found guilty of making a false report to the  
6 department, in which case the offense is a class E felony and the offender shall be subject  
7 to a fine up to five thousand dollars. Penalties collected for violations of this subsection  
8 shall be transferred to the state school moneys fund as established in section 166.051 and  
9 distributed to the public schools of this state in the manner provided in section 163.031.  
10 Such penalties shall not be considered charitable for tax purposes.

11 3. Evidence of prior findings of guilt under this section shall be heard by the court,  
12 out of the hearing of the jury, prior to the submission of the case to the jury, and the court  
13 shall determine the existence of the prior convictions.

565.225. 1. [As used in this section, the following terms shall mean:

2 (1) "Course of conduct", a pattern of conduct composed of two or more acts, which may  
3 include communication by any means, over a period of time, however short, evidencing a  
4 continuity of purpose. Constitutionally protected activity is not included within the meaning of  
5 course of conduct. Such constitutionally protected activity includes picketing or other organized  
6 protests;

7 (2) "Credible threat", a threat communicated with the intent to cause the person who is  
8 the target of the threat to reasonably fear for his or her safety, or the safety of his or her family,  
9 or household members or domestic animals or livestock as defined in section 276.606 kept at  
10 such person's residence or on such person's property. The threat must be against the life of, or  
11 a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the  
12 person's household members or domestic animals or livestock as defined in section 276.606 kept  
13 at such person's residence or on such person's property;

14 (3) "Harasses", to engage in a course of conduct directed at a specific person that serves  
15 no legitimate purpose, that would cause a reasonable person under the circumstances to be  
16 frightened, intimidated, or emotionally distressed.

17 2.] A person commits the [crime] offense of stalking **in the first degree** if he or she  
18 purposely, through his or her course of conduct, [harasses] **disturbs** or follows with the intent  
19 of [harassing] **disturbing** another person[.

20 3. A person commits the crime of aggravated stalking if he or she purposely, through his  
21 or her course of conduct, harasses or follows with the intent of harassing another person,] and:

22 (1) Makes a [credible] threat **communicated with the intent to cause the person who**  
23 **is the target of the threat to reasonably fear for his or her safety, or the safety of his or her**  
24 **family, or household member or domestic animals or livestock, as defined in section**  
25 **276.606, kept at such person's residence or on such person's property. The threat shall be**  
26 **against the life of, or a threat to cause physical injury to, or the kidnapping of the person,**  
27 **the person's family, or the person's household members or domestic animals or livestock,**  
28 **as defined in section 276.606, kept at such person's residence or on such person's property;**  
29 or

30 (2) At least one of the acts constituting the course of conduct is in violation of an order  
31 of protection and the person has received actual notice of such order; or

32 (3) At least one of the actions constituting the course of conduct is in violation of a  
33 condition of probation, parole, pretrial release, or release on bond pending appeal; or

34 (4) At any time during the course of conduct, the other person is seventeen years [of age]  
35 **old** or younger and the person [harassing] **disturbing** the other person is twenty-one years [of  
36 age] **old** or older; or

37 (5) He or she has previously pleaded guilty to or been found guilty of domestic assault,  
38 violation of an order of protection, or any other crime where the other person was the victim.

39 [4. The crime of stalking shall be a class A misdemeanor unless the person has  
40 previously pleaded guilty to or been found guilty of a violation of this section, or of any offense  
41 committed in violation of any county or municipal ordinance in any state, any state law, any  
42 federal law, or any military law which, if committed in this state, would be chargeable or  
43 indictable as a violation of any offense listed in this section, in which case stalking shall be a  
44 class D felony.

45 5. The crime of aggravated stalking shall be a class D felony unless the person has  
46 previously pleaded guilty to or been found guilty of a violation of this section, or of any offense  
47 committed in violation of any county or municipal ordinance in any state, any state law, any  
48 federal law, or any military law which, if committed in this state, would be chargeable or  
49 indictable as a violation of any offense listed in this section, aggravated stalking shall be a class  
50 C felony.

51 6.] 2. Any law enforcement officer may arrest, without a warrant, any person he or she  
52 has probable cause to believe has violated the provisions of this section.

53 [7.] 3. This section shall not apply to activities of federal, state, county, or municipal law  
54 enforcement officers conducting investigations of violation of federal, state, county, or municipal  
55 law.

56 **4. The offense of stalking in the first degree is a class E felony, unless the defendant**  
57 **has previously been found guilty of a violation of this section or section 565.227, or any**  
58 **offense committed in another jurisdiction which, if committed in this state, would be**  
59 **chargeable or indictable as a violation of any offense listed in this section or section**  
60 **565.227, in which case stalking in the first degree is a class D felony.**

**565.227. 1. A person commits the offense of stalking in the second degree if he or**  
2 **she purposely, through his or her course of conduct, disturbs, or follows with the intent of**  
3 **disturbing another person.**

4 **2. This section shall not apply to activities of federal, state, county, or municipal law**  
5 **enforcement officers conducting investigations of violation of federal, state, county, or**  
6 **municipal law.**

7           **3. Any law enforcement officer may arrest, without a warrant, any person he or she**  
8 **has probable cause to believe has violated the provisions of this section.**

9           **4. The offense of stalking in the second degree is a class A misdemeanor, unless the**  
10 **defendant has previously been found guilty of a violation of this section or section 565.225,**  
11 **or of any offense committed in another jurisdiction which, if committed in this state, would**  
12 **be chargeable or indictable as a violation of any offense listed in this section or section**  
13 **565.225, in which case stalking in the second degree is a class E felony.**

[578.450. No person shall] **565.240. 1. A person commits the offense of unlawful**  
2 **posting of certain information over the internet if he or she knowingly [post] posts the name,**  
3 **home address, Social Security number, or telephone number of any person on the Internet**  
4 **intending to cause great bodily harm or death, or threatening to cause great bodily harm or death**  
5 **to such person. [Any person who violates this section is guilty of a class C misdemeanor.]**

6           **2. The offense of unlawful posting of certain information over the internet is a class**  
7 **C misdemeanor.**

565.252. 1. A person commits the [crime] **offense** of invasion of privacy in the first  
2 degree if [such person] **he or she knowingly:**

3           (1) [Knowingly] Photographs [or] , films, **videotapes, produces, or otherwise creates**  
4 **an image of** another person, without the person's [knowledge and] consent, while the person  
5 [being photographed or filmed] is in a state of full or partial nudity and is in a place where one  
6 would have a reasonable expectation of privacy[, and the] ; **or**

7           (2) **Photographs, films, videotapes, produces, or otherwise creates an image of**  
8 **another person under or through the clothing worn by that other person for the purpose**  
9 **of viewing the body of or the undergarments worn by that other person without that**  
10 **person's consent.**

11           **2. Invasion of privacy is a class A misdemeanor unless:**

12           (1) A person [subsequently] **who creates an image in violation of this section**  
13 **distributes the [photograph or film] image** to another or transmits the image [contained in the  
14 photograph or film] in a manner that allows access to that image via [a] computer; or

15           (2) [Knowingly] **A person** disseminates or permits the dissemination by any means, to  
16 another person, of a videotape, photograph, or film obtained in violation of [subdivision (1) of  
17 this subsection or in violation of section 565.253.

18           2. Invasion of privacy in the first degree is a class D felony] **this section; or**

19           (3) **More than one person is viewed, photographed, filmed or videotaped during the**  
20 **same course of conduct; or**

21           (4) **The offense was committed by a person who has previously been found guilty**  
22 **of invasion of privacy;**

23  
24 **in which case invasion of privacy is a class E felony.**

25           **3. Prior findings of guilt shall be pled and proven in the same manner required by**  
26 **the provisions of section 558.021.**

27           **4. As used in this section, "same course of conduct" means more than one person**  
28 **has been viewed, photographed, filmed, or videotaped under the same or similar**  
29 **circumstances pursuant to one scheme or course of conduct, whether at the same or**  
30 **different times.**

          565.300. 1. This section shall be known and may be cited as the "Infant's Protection  
2 Act".

3           2. As used in this section, and only in this section, the following terms shall mean:

4           (1) "Born", complete separation of an intact child from the mother regardless of whether  
5 the umbilical cord is cut or the placenta detached;

6           (2) "Living infant", a human child, born or partially born, who is alive, as determined  
7 in accordance with the usual and customary standards of medical practice and is not dead as  
8 determined pursuant to section 194.005, relating to the determination of the occurrence of death,  
9 and has not attained the age of thirty days post birth;

10          (3) "Partially born", partial separation of a child from the mother with the child's head  
11 intact with the torso. If vaginally delivered, a child is partially separated from the mother when  
12 the head in a cephalic presentation, or any part of the torso above the navel in a breech  
13 presentation, is outside the mother's external cervical os. If delivered abdominally, a child is  
14 partially separated from the mother when the child's head in a cephalic presentation, or any part  
15 of the torso above the navel in a breech presentation, is outside the mother's external abdominal  
16 wall.

17          3. A person [is guilty of the crime] **commits the offense** of infanticide if [such person]  
18 **he or she** causes the death of a living infant with the purpose to cause said death by an overt act  
19 performed when the infant is partially born or born.

20          4. The [crime] **offense** of infanticide [shall be] **is** a class A felony.

21          5. A physician using procedures consistent with the usual and customary standards of  
22 medical practice to save the life of the mother during pregnancy or birth or to save the life of any  
23 unborn or partially born child of the same pregnancy shall not be criminally responsible under  
24 this section. In no event shall the mother be criminally responsible pursuant to this section for  
25 the acts of the physician if the physician is not held criminally responsible pursuant to this  
26 section.

27          6. This section shall not apply to any person who performs or attempts to perform a legal  
28 abortion if the act that causes the death is performed prior to the child being partially born, even  
29 though the death of the child occurs as a result of the abortion after the child is partially born.

30          7. Only that person who performs the overt act required under subsection 3 of this  
31 section shall be culpable under this section, unless a person, with the purpose of committing  
32 infanticide, does any act which is a substantial step towards the commission of the offense which

33 results in the death of the living infant. A "substantial step" is conduct which is strongly  
34 corroborative of the firmness of the actor's purpose to complete the commission of the offense.

35 8. Nothing in this section shall be interpreted to exclude the defenses otherwise available  
36 to any person under the law including defenses provided pursuant to chapters 562 and 563.

566.010. As used in this chapter and chapter 568, the following terms mean:

2 (1) **"Aggravated sexual offense", any sexual offense, in the course of which, the**  
3 **actor:**

4 (a) **Inflicts serious physical injury on the victim; or**

5 (b) **Displays a deadly weapon or dangerous instrument in a threatening manner;**  
6 **or**

7 (c) **Subjects the victim to sexual intercourse or deviate sexual intercourse with more**  
8 **than one person; or**

9 (d) **Had previously been found guilty of an offense under this chapter or under**  
10 **section 573.200, child used in sexual performance; section 573.205, promoting sexual**  
11 **performance by a child; section 573.023, sexual exploitation of a minor; section 573.025,**  
12 **promoting child pornography in the first degree; section 573.035, promoting child**  
13 **pornography in the second degree; section 573.037, possession of child pornography; or**  
14 **section 573.040, furnishing pornographic materials to minors; or has previously been**  
15 **found guilty of an offense in another jurisdiction which would constitute an offense under**  
16 **this chapter or said sections; or**

17 (e) **Commits the offense as part of an act or series of acts performed by two or more**  
18 **persons as part of an established or prescribed pattern of activity;**

19 (2) **"Commercial sex act", any sex act on account of which anything of value is**  
20 **given to or received by any person;**

21 (3) **"Deviate sexual intercourse", any act involving the genitals of one person and the**  
22 **hand, mouth, tongue, or anus of another person or a sexual act involving the penetration,**  
23 **however slight, of the [male or female sex organ] penis or vagina or the anus by a finger,**  
24 **instrument or object done for the purpose of arousing or gratifying the sexual desire of any**  
25 **person or for the purpose of terrorizing the victim;**

26 (4) **"Forced labor", a condition of servitude induced by means of:**

27 (a) **Any scheme, plan, or pattern of behavior intended to cause a person to believe**  
28 **that, if the person does not enter into or continue the servitude, such person or another**  
29 **person will suffer substantial bodily harm or physical restraint; or**

30 (b) **The abuse or threatened abuse of the legal process;**

31 [(2)] (5) **"Sexual conduct", sexual intercourse, deviate sexual intercourse or sexual**  
32 **contact;**

33 [(3)] (6) **"Sexual contact", any touching of another person with the genitals or any**  
34 **touching of the genitals or anus of another person, or the breast of a female person, or such**

35 touching through the clothing, for the purpose of arousing or gratifying **the** sexual desire of any  
36 person **or for the purpose of terrorizing the victim;**

37 [(4)] (7) "Sexual intercourse", any penetration, however slight, of the [female sex organ  
38 by the male sex organ, whether or not an emission results] **vagina by the penis.**

566.020. 1. Whenever in this chapter the criminality of conduct depends upon a victim's  
2 being incapacitated, no [crime] **offense** is committed if the actor reasonably believed that the  
3 victim was not incapacitated and reasonably believed that the victim consented to the act. The  
4 defendant shall have the burden of injecting the issue of belief as to capacity and consent.

5 2. Whenever in this chapter the criminality of conduct depends upon a child being  
6 [thirteen years of age or younger] **less than fourteen years of age**, it is no defense that the  
7 defendant believed the child to be older.

8 3. Whenever in this chapter the criminality of conduct depends upon a child being [under  
9 seventeen years of age] **less than seventeen years of age**, it is an affirmative defense that the  
10 defendant reasonably believed that the child was seventeen years of age or older.

11 4. Consent is not [an affirmative] **a** defense to any offense under **this** chapter [566] if the  
12 alleged victim is less than [twelve] **fourteen** years of age.

566.023. It shall be an affirmative defense to prosecutions pursuant to [sections] **section**  
2 **566.032, statutory rape in the first degree; section 566.034, statutory rape in the second**  
3 **degree; section 566.062, statutory sodomy in the first degree; section 566.064, statutory**  
4 **sodomy in the second degree; section 566.067, child molestation in the first degree; section**  
5 **566.068, [and 566.090] child molestation in the second degree; section 566.069, child**  
6 **molestation in the third degree; section 566.071, child molestation in the fourth degree;**  
7 **section 566.083, sexual misconduct involving a child; section 566.086, sexual contact with**  
8 **a student; and section 573.040, furnishing pornographic materials to minors;** that the  
9 defendant was married to the victim at the time of the offense.

566.030. 1. A person commits the [crime] **offense** of [forcible] **rape in the first degree**  
2 if [such person] **he or she** has sexual intercourse with another person by the use of forcible  
3 compulsion. Forcible compulsion includes the use of a substance administered without a  
4 victim's knowledge or consent which renders the victim physically or mentally impaired so as  
5 to be incapable of making an informed consent to sexual intercourse.

6 2. [Forcible] **The offense of rape in the first degree** or an attempt to commit [forcible]  
7 **rape in the first degree** is a felony for which the authorized term of imprisonment is life  
8 imprisonment or a term of years not less than five years, unless:

9 (1) [In the course thereof the actor inflicts serious physical injury or displays a deadly  
10 weapon or dangerous instrument in a threatening manner or subjects the victim to sexual  
11 intercourse or deviate sexual intercourse with more than one person] **The offense is an**  
12 **aggravated sexual offense**, in which case the authorized term of imprisonment is life  
13 imprisonment or a term of years not less than fifteen years;

14           (2) **The person is a persistent or predatory sexual offender as defined in section**  
15 **566.125 and subjected to an extended term of imprisonment under said section;**

16           (3) The victim is a child less than twelve years [of age] **old**, in which case the required  
17 term of imprisonment is life imprisonment without eligibility for probation or parole until the  
18 [defendant] **offender** has served not less than thirty years of such sentence or unless the  
19 [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen  
20 years of such sentence, unless such [forcible] rape **in the first degree** is described under  
21 subdivision [(3)] **(4)** of this subsection; or

22           [(3)] **(4)** The victim is a child less than twelve years [of age] **old** and such [forcible] rape  
23 **in the first degree or attempt to commit rape in the first degree** was outrageously or wantonly  
24 vile, horrible or inhumane, in that it involved torture or depravity of mind, in which case the  
25 required term of imprisonment is life imprisonment without eligibility for probation, parole or  
26 conditional release.

27           3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has  
28 [pleaded guilty to or has] been found guilty of [forcible] rape **in the first degree or attempt to**  
29 **commit rape in the first degree** when the victim is [under the age of] **less than twelve years**  
30 **of age**, and "life imprisonment" shall mean imprisonment for the duration of a person's natural  
31 life for the purposes of this section.

32           4. No person found guilty of [or pleading guilty to forcible] rape **in the first degree** or  
33 an attempt to commit [forcible] rape **in the first degree** shall be granted a suspended imposition  
34 of sentence or suspended execution of sentence.

                  [566.040.] **566.031.** 1. A person commits the [crime] **offense** of [sexual assault] **rape**  
2 **in the second degree** if he **or she** has sexual intercourse with another person knowing that he  
3 **or she** does so without that person's consent.

4           2. [Sexual assault] **The offense of rape in the second degree** is a class [C] **D** felony.

                  566.032. 1. A person commits the [crime] **offense** of statutory rape in the first degree  
2 if he **or she** has sexual intercourse with another person who is less than fourteen years [old] **of**  
3 **age.**

4           2. **The offense of** statutory rape in the first degree or an attempt to commit statutory rape  
5 in the first degree is a felony for which the authorized term of imprisonment is life imprisonment  
6 or a term of years not less than five years, unless [in the course thereof the actor inflicts serious  
7 physical injury on any person, displays a deadly weapon or dangerous instrument in a threatening  
8 manner, subjects the victim to sexual intercourse or deviate sexual intercourse with more than  
9 one person] :

10           **(1) The offense is an aggravated sexual offense**, or the victim is less than twelve years  
11 [of age] **old** in which case the authorized term of imprisonment is life imprisonment or a term  
12 of years not less than ten years;



13           **(2) The person is a persistent or predatory sexual offender as defined in section**  
14 **566.125 and subjected to an extended term of imprisonment under said section.**

          566.034. 1. A person commits the [crime] **offense** of statutory rape in the second degree  
2 if being twenty-one years [of age] **old** or older, he **or she** has sexual intercourse with another  
3 person who is less than seventeen years [of age] **old**.

4           2. **The offense of** statutory rape in the second degree is a class [C] **D** felony.

          566.060. 1. A person commits the [crime] **offense** of [forcible] sodomy **in the first**  
2 **degree** if [such person] **he or she** has deviate sexual intercourse with another person by the use  
3 of forcible compulsion. Forcible compulsion includes the use of a substance administered  
4 without a victim's knowledge or consent which renders the victim physically or mentally  
5 impaired so as to be incapable of making an informed consent to sexual intercourse.

6           2. [Forcible] **The offense of** sodomy **in the first degree** or an attempt to commit  
7 [forcible] sodomy **in the first degree** is a felony for which the authorized term of imprisonment  
8 is life imprisonment or a term of years not less than five years, unless:

9           (1) [In the course thereof the actor inflicts serious physical injury or displays a deadly  
10 weapon or dangerous instrument in a threatening manner or subjects the victim to sexual  
11 intercourse or deviate sexual intercourse with more than one person] **The offense is an**  
12 **aggravated sexual offense**, in which case the authorized term of imprisonment is life  
13 imprisonment or a term of years not less than ten years; or

14           (2) **The person is a persistent or predatory sexual offender as defined in section**  
15 **566.125 and subjected to an extended term of imprisonment under said section; or**

16           (3) The victim is a child less than twelve years [of age] **old**, in which case the required  
17 term of imprisonment is life imprisonment without eligibility for probation or parole until the  
18 [defendant] **offender** has served not less than thirty years of such sentence or unless the  
19 [defendant] **offender** has reached the age of seventy-five years and has served at least fifteen  
20 years of such sentence, unless such [forcible] sodomy **in the first degree** is described under  
21 subdivision [(3)] **(4)** of this subsection; or

22           [(3)] **(4)** The victim is a child less than twelve years [of age] **old** and such [forcible]  
23 sodomy **in the first degree or attempt to commit sodomy in the first degree** was outrageously  
24 or wantonly vile, horrible or inhumane, in that it involved torture or depravity of mind, in which  
25 case the required term of imprisonment is life imprisonment without eligibility for probation,  
26 parole or conditional release.

27           3. Subsection 4 of section 558.019 shall not apply to the sentence of a person who has  
28 [pleaded guilty to or has] been found guilty of [forcible] sodomy **in the first degree or an**  
29 **attempt to commit sodomy in the first degree** when the victim is [under the age of] **less than**  
30 **twelve years of age**, and "life imprisonment" shall mean imprisonment for the duration of a  
31 person's natural life for the purposes of this section.

32           4. No person found guilty of [or pleading guilty to forcible] sodomy **in the first degree**  
33 or an attempt to commit forcible sodomy shall be granted a suspended imposition of sentence  
34 or suspended execution of sentence.

          [566.070.] **566.061.** 1. A person commits the [crime of deviate sexual assault] **offense**  
2 **of sodomy in the second degree** if he **or she** has deviate sexual intercourse with another person  
3 knowing that he **or she** does so without that person's consent.

4           2. [Deviate sexual assault] **The offense of sodomy in the second degree** is a class [C]  
5 **D** felony.

          566.062. 1. A person commits the [crime] **offense** of statutory sodomy in the first degree  
2 if he **or she** has deviate sexual intercourse with another person who is less than fourteen years  
3 [old] **of age**.

4           2. **The offense of** statutory sodomy in the first degree or an attempt to commit statutory  
5 sodomy in the first degree is a felony for which the authorized term of imprisonment is life  
6 imprisonment or a term of years not less than five years, unless [in the course thereof the actor  
7 inflicts serious physical injury on any person, displays a deadly weapon or dangerous instrument  
8 in a threatening manner, subjects the victim to sexual intercourse or deviate sexual intercourse  
9 with more than one person,] :

10           **(1) The offense is an aggravated sexual offense** or the victim is less than twelve years  
11 of age, in which case the authorized term of imprisonment is life imprisonment or a term of years  
12 not less than ten years; **or**

13           **(2) The person is a persistent or predatory sexual offender as defined in section**  
14 **566.125 and subjected to an extended term of imprisonment under said section.**

          566.064. 1. A person commits the [crime] **offense** of statutory sodomy in the second  
2 degree if being twenty-one years [of age] **old** or older, he **or she** has deviate sexual intercourse  
3 with another person who is less than seventeen years [of age] **old**.

4           2. **The offense of** statutory sodomy in the second degree is a class [C] **D** felony.

          566.067. 1. A person commits the [crime] **offense** of child molestation in the first  
2 degree if he or she subjects another person who is less than [fourteen] **twelve** years of age to  
3 sexual contact **and the offense is an aggravated sexual offense**.

4           2. **The offense of** child molestation in the first degree is a class [B] **A** felony [unless:

5           (1) The actor has previously been convicted of an offense under this chapter or in the  
6 course thereof the actor inflicts serious physical injury, displays a deadly weapon or deadly  
7 instrument in a threatening manner, or the offense is committed as part of a ritual or ceremony,  
8 in which case the crime is a class A felony; or

9           (2) The victim is a child less than twelve years of age and:

10           (a) The actor has previously been convicted of an offense under this chapter; or

11           (b) In the course thereof the actor inflicts serious physical injury, displays a deadly  
12 weapon or deadly instrument in a threatening manner, or if the offense is committed as part of

13 a ritual or ceremony, in which case, the crime is a class A felony and such person shall serve his  
14 or her term of imprisonment without eligibility for probation or parole].

566.068. 1. A person commits the [crime] **offense** of child molestation in the second  
2 degree if he or she:

3 (1) Subjects [another person] **a child** who is less than [seventeen] **twelve** years of age  
4 to sexual contact; **or**

5 (2) **Being twenty-one years of age or older, subjects a child who is less than**  
6 **seventeen years of age to sexual contact and the offense is an aggravated sexual offense.**

7 2. **The offense of** child molestation in the second degree is a class [A misdemeanor  
8 unless the actor has previously been convicted of an offense under this chapter or in the course  
9 thereof the actor inflicts serious physical injury on any person, displays a deadly weapon or  
10 dangerous instrument in a threatening manner, or the offense is committed as part of a ritual or  
11 ceremony, in which case the crime is a class D] **B** felony.

**566.069. 1. A person commits the offense of child molestation in the third degree**  
2 **if he or she subjects a child who is less than fourteen years of age to sexual contact.**

3 2. **The offense of child molestation in the third degree is a class C felony, unless**  
4 **committed by the use of forcible compulsion, in which case it is a class B felony.**

**566.071. 1. A person commits the offense of child molestation in the fourth degree**  
2 **if, being twenty-one years of age or older, such person subjects another person who is less**  
3 **than seventeen years of age to sexual contact.**

4 2. **The offense of child molestation in the fourth degree is a class D felony.**

566.083. 1. A person commits the [crime] **offense** of sexual misconduct involving a  
2 child if [the] **such** person:

3 (1) Knowingly exposes his or her genitals to a child less than [fifteen] **fourteen** years  
4 of age under circumstances in which he or she knows that his or her conduct is likely to cause  
5 affront or alarm to the child;

6 (2) Knowingly exposes his or her genitals to a child less than [fifteen] **fourteen** years  
7 of age for the purpose of arousing or gratifying the sexual desire of any person, including the  
8 child; or

9 (3) Knowingly coerces or induces a child less than [fifteen] **fourteen** years of age to  
10 expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any  
11 person, including the child.

12 2. The provisions of this section shall apply regardless of whether the person violates the  
13 section in person or via the Internet or other electronic means.

14 3. It is not [an affirmative] **a** defense to prosecution for a violation of this section that  
15 the other person was a peace officer masquerading as a minor.

16 4. **The offense of** sexual misconduct involving a child [or attempted sexual misconduct  
17 involving a child] is a class [D] **E** felony unless the [actor] **person** has previously [pleaded guilty

18 to or] been found guilty of an offense pursuant to this chapter or the [actor] **person** has  
19 previously [pleaded] **been found** guilty [to or has been convicted] of an offense [against the laws  
20 of another state or] **in another** jurisdiction which would constitute an offense under this chapter,  
21 in which case it is a class [C] **D** felony.

566.086. 1. A person commits the [crime] **offense** of sexual contact with a student if he  
2 or she has sexual contact with a student of the [public] school and is:

3 (1) A teacher, as that term is defined in subdivisions (4), (5), and (7) of section 168.104;

4 (2) A student teacher; **or**

5 (3) An employee of the school; **or**

6 (4) A volunteer of the school or of an organization working with the school on a project  
7 or program who is not a student at the public school; **or**

8 (5) An elected or appointed official of the [public] school district; or

9 (6) A person employed by an entity that contracts with the [public] school **or school**  
10 district to provide services.

11 2. **For the purposes of this section, "school" shall mean any public or private school**  
12 **in this state serving kindergarten through grade twelve or any school bus used by the**  
13 **school district.**

14 3. **The offense of** sexual contact with a student is a class [D] **E** felony.

15 4. **It is not a defense to prosecution for a violation of this section that the student**  
16 **consented to the sexual contact.**

566.090. 1. A person commits the [crime] **offense** of sexual [misconduct] **abuse** in the  
2 [first] **second** degree if [such person] **he or she** purposely subjects another person to sexual  
3 contact without that person's consent.

4 2. **The offense of** sexual [misconduct] **abuse** in the [first] **second** degree is a class A  
5 misdemeanor, unless [the actor has previously been convicted of an offense under this chapter  
6 or unless in the course thereof the actor displays a deadly weapon in a threatening manner or the  
7 offense is committed as a part of a ritual or ceremony] **it is an aggravated sexual offense**, in  
8 which case it is a class [D] **E** felony.

566.093. 1. A person commits the [crime] **offense** of sexual misconduct in the [second]  
2 **first** degree if such person:

3 (1) Exposes his or her genitals under circumstances in which he or she knows that his  
4 or her conduct is likely to cause affront or alarm;

5 (2) Has sexual contact in the presence of a third person or persons under circumstances  
6 in which he or she knows that such conduct is likely to cause affront or alarm; or

7 (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence  
8 of a third person.

9 2. **The offense of** sexual misconduct in the [second] **first** degree is a class B  
10 misdemeanor unless the [actor] **person** has previously been [convicted] **found guilty** of an

11 offense under this chapter, **or has previously been found guilty of an offense in another**  
12 **jurisdiction which would constitute an offense under this chapter**, in which case it is a class  
13 A misdemeanor.

566.095. 1. A person commits the [crime] **offense** of sexual misconduct in the [third]  
2 **second** degree if he **or she** solicits or requests another person to engage in sexual conduct under  
3 circumstances in which he **or she** knows that [his requests] **such request** or solicitation is likely  
4 to cause affront or alarm.

5 2. **The offense of** sexual misconduct in the [third] **second** degree is a class C  
6 misdemeanor.

566.100. 1. A person commits the [crime] **offense** of sexual abuse **in the first degree**  
2 if he **or she** subjects another person to sexual contact by the use of forcible compulsion.

3 2. **The offense of** sexual abuse **in the first degree** is a class C felony unless [in the  
4 course thereof the actor inflicts serious physical injury or displays a deadly weapon or dangerous  
5 instrument in a threatening manner or subjects the victim to sexual contact with more than one  
6 person or] the victim is less than fourteen years of age, **or it is an aggravated sexual offense**,  
7 in which case [the crime] **it** is a class B felony.

566.111. 1. A person commits the [crime] **offense** of [unlawful] sex with an animal if  
2 [that person] **he or she** engages in sexual conduct with an animal [or engages in sexual conduct  
3 with an animal for commercial or recreational purposes].

4 2. [Unlawful] **The offense of** sex with an animal is a class A misdemeanor unless the  
5 [defendant] **person** has previously been [convicted] **found guilty of an offense** under this  
6 section **or has previously been found guilty of an offense in another jurisdiction which**  
7 **would constitute an offense under this section**, in which case the [crime] **offense** is a class [D]  
8 **E** felony.

9 3. In addition to any penalty imposed or as a condition of probation the court may:

10 (1) Prohibit the [defendant] **offender** from harboring animals or residing in any  
11 household where animals are present during the period of probation [or if probation is not  
12 granted for a period of time not to exceed two years after the defendant's sentence is completed];  
13 **or**

14 (2) Order all animals in the [defendant's] **offender's** possession subject to a civil  
15 forfeiture action under chapter 513; or

16 (3) Order psychological evaluation and counseling of the [defendant] **offender** at the  
17 [defendant's] **offender's** expense.

18 4. Nothing in this section shall be construed to prohibit generally accepted animal  
19 husbandry, farming and ranching practices or generally accepted veterinary medical practices.

20 5. For purposes of this section, the following terms mean:

21 (1) "Animal", every creature, either alive or dead, other than a human being;

22 (2) "Sexual conduct with an animal", any touching of an animal with the genitals or any  
23 touching of the genitals or anus of an animal for the purpose of arousing or gratifying the  
24 person's sexual desire.

**566.115. 1. A person commits the offense of sexual conduct with a nursing facility  
2 resident in the first degree if he or she, being an owner or employee of a skilled nursing  
3 facility, as defined in section 198.006, or an Alzheimer's special care unit or program, as  
4 defined in section 198.505, has sexual intercourse or deviate sexual intercourse with a  
5 resident.**

**6 2. The offense of sexual conduct with a nursing facility resident in the first degree  
7 is a class A misdemeanor. Any second or subsequent violation of this section is a class E  
8 felony.**

**9 3. The provisions of this section shall not apply to an owner or employee of a skilled  
10 nursing facility or Alzheimer's special care unit or program who engages in sexual conduct  
11 with a resident to whom the owner or employee is married.**

**12 4. Consent of the victim is not a defense to a prosecution under this section.**

[565.200.] **566.116. 1.** [Any owner or employee of a skilled nursing facility, as defined  
2 in section 198.006, or an Alzheimer's special unit or program, as defined in section 198.505,  
3 who:

**4 (1)] A person commits the offense of sexual conduct with a nursing facility resident  
5 in the second degree if he or she, being an owner or employee of a skilled nursing facility  
6 as defined in section 198.006, or an Alzheimer's special care unit program as defined in  
7 section 198.505 if he or she has sexual contact, as defined in section 566.010, with a resident  
8 [is guilty of a class B misdemeanor. Any person who commits a second or subsequent violation  
9 of this subdivision is guilty of a class A misdemeanor; or**

**10 (2) Has sexual intercourse or deviate sexual intercourse, as defined in section 566.010,  
11 with a resident is guilty of a class A misdemeanor. Any person who commits a second or  
12 subsequent violation of this subdivision is guilty of a class D felony].**

**13 2. The offense of sexual conduct with a nursing facility resident in the second  
14 degree is a class B misdemeanor. Any second or subsequent violation of this section is a  
15 class A misdemeanor.**

**16 3. The provisions of this section shall not apply to an owner or employee of a skilled  
17 nursing facility or Alzheimer's special unit or program who engages in sexual conduct, as defined  
18 in section 566.010, with a resident to whom the owner or employee is married.**

**19 [3.] 4. Consent of the victim is not a defense to a prosecution pursuant to this section.**

**[558.018.] 566.125. 1. The court shall sentence a person [who has pleaded guilty to or]  
2 to an extended term of imprisonment if it finds the defendant is a persistent sexual offender  
3 and has been found guilty of [the felony of forcible rape, statutory rape in the first degree,  
4 forcible sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes**

5 designated in this subsection to an extended term of imprisonment if it finds the defendant is a  
6 persistent sexual offender] **attempting to commit or committing the following offenses:**

7       **(1) Statutory rape in the first degree or statutory sodomy in the first degree;**

8       **(2) Rape in the first degree or sodomy in the first degree attempted or committed**  
9 **on or after August 28, 2012;**

10       **(3) Forcible rape committed or attempted any time during the period of August 13,**  
11 **1980 to August 27, 2012;**

12       **(4) Forcible sodomy committed or attempted any time during the period of**  
13 **January 1, 1995 to August 27, 2012;**

14       **(5) Rape committed or attempted before August 13, 1980;**

15       **(6) Sodomy committed or attempted before January 1, 1995.**

16       2. A "persistent sexual offender" is one who has previously [pleaded guilty to or has been  
17 found guilty of the felony of forcible rape, rape, statutory rape in the first degree, forcible  
18 sodomy, sodomy, statutory sodomy in the first degree or an attempt to commit any of the crimes  
19 designated in this subsection] **been found guilty of attempting to commit or committing any**  
20 **of the offenses listed in subsection 1 of this section, or one who has been previously been**  
21 **found guilty of an offense in any other jurisdiction which would constitute any of the**  
22 **offenses listed in subsection 1 of this section.**

23       3. The term of imprisonment for one found to be a persistent sexual offender shall be  
24 imprisonment for life without eligibility for probation or parole. Subsection 4 of section 558.019  
25 shall not apply to any person imprisoned under this subsection, and "imprisonment for life" shall  
26 mean imprisonment for the duration of the person's natural life.

27       4. The court shall sentence a person [who has pleaded guilty to or has] **to an extended**  
28 **term of imprisonment as provided for in this section if it finds the defendant is a predatory**  
29 **sexual offender and has** been found guilty of [the felony of forcible rape, statutory rape in the  
30 first degree, forcible sodomy, statutory sodomy in the first degree, or an attempt to commit any  
31 of the preceding crimes or] **committing or attempting to commit any of the offenses listed in**  
32 **subsection 1 of this section or committing** child molestation in the first or second degree when  
33 [classified as a class B felony or sexual abuse when] **the offense of child molestation is**  
34 **classified as a class A or B felony [to an extended term of imprisonment as provided for in this**  
35 **section if it finds the defendant is a predatory sexual offender] or sexual abuse when the**  
36 **offense is classified as a class B felony.**

37       5. For purposes of this section, a "predatory sexual offender" is a person who:

38       (1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible  
39 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the  
40 first degree, or an attempt to commit any of the preceding crimes or] **committing or attempting**  
41 **to commit any of the offenses listed in subsection 1 of this section, or committing child**

42 molestation in the first **or second** degree when **the offense of child molestation is** classified as  
43 a class **A or B** felony or sexual abuse when classified as a class B felony; or

44 (2) Has previously committed an act which would constitute an offense listed in  
45 subsection 4 of this section, whether or not the act resulted in a conviction; or

46 (3) Has committed an act or acts against more than one victim which would constitute  
47 an offense or offenses listed in subsection 4 of this section, whether or not the defendant was  
48 charged with an additional offense or offenses as a result of such act or acts.

49 6. A person found to be a predatory sexual offender shall be imprisoned for life with  
50 eligibility for parole, however subsection 4 of section 558.019 shall not apply to persons found  
51 to be predatory sexual offenders for the purposes of determining the minimum prison term or the  
52 length of sentence as defined or used in such subsection. Notwithstanding any other provision  
53 of law, in no event shall a person found to be a predatory sexual offender receive a final  
54 discharge from parole.

55 7. Notwithstanding any other provision of law, the court shall set the minimum time  
56 required to be served before a predatory sexual offender is eligible for parole, conditional release  
57 or other early release by the department of corrections. The minimum time to be served by a  
58 person found to be a predatory sexual offender who:

59 (1) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible  
60 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the  
61 first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found  
62 guilty of the felony of forcible rape, statutory rape in the first degree, forcible sodomy, statutory  
63 sodomy in the first degree or an attempt to commit any of the preceding crimes] **committing or**  
64 **attempting to commit any of the offenses listed in subsection 1 of this section and is found**  
65 **guilty of committing or attempting to commit any of the offenses listed in subsection 1 of**  
66 **this section** shall be any number of years but not less than thirty years;

67 (2) Has previously [pleaded guilty to or has] been found guilty of child molestation in  
68 the first **or second** degree when **the offense of child molestation is** classified as a class **A or B**  
69 felony or sexual abuse when classified as a class B felony and [pleads guilty to or] is found guilty  
70 of attempting to commit or committing [forcible rape, statutory rape in the first degree, forcible  
71 sodomy or statutory sodomy in the first degree] **any of the offenses listed in subsection 1 of**  
72 **this section** shall be any number of years but not less than fifteen years;

73 (3) Has previously [pleaded guilty to or has] been found guilty of [the felony of forcible  
74 rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the  
75 first degree, or an attempt to commit any of the preceding crimes and pleads guilty to or is found  
76 guilty of] **committing or attempting to commit any of the offenses listed in subsection 1 of**  
77 **this section, or committing** child molestation in the first **or second** degree when classified as  
78 a class **A or B** felony or sexual abuse when classified as a class B felony shall be any number of  
79 years but not less than fifteen years;



80 (4) Has previously [pleaded guilty to or has] been found guilty of child molestation in  
81 the first **or second** degree when **the offense is** classified as a class **A or B** felony or sexual abuse  
82 when classified as a class B felony, and [pleads guilty to or] is found guilty of child molestation  
83 in the first **or second** degree when classified as a class **A or B** felony or sexual abuse when  
84 classified as a class B felony shall be any number of years but not less than fifteen years;

85 (5) Is found to be a predatory sexual offender pursuant to subdivision (2) or (3) of  
86 subsection 5 of this section shall be any number of years within the range to which the person  
87 could have been sentenced pursuant to the applicable law if the person was not found to be a  
88 predatory sexual offender.

89 8. Notwithstanding any provision of law to the contrary, the department of corrections,  
90 or any division thereof, may not furlough an individual found to be and sentenced as a persistent  
91 sexual offender or a predatory sexual offender.

566.145. 1. A person commits the [crime] **offense** of sexual [contact] **conduct** with a  
2 prisoner or offender if **he or she**:

3 (1) [Such person] Is an employee of, or assigned to work in, any jail, prison or  
4 correctional facility and [such person has] **engages in** sexual [intercourse or deviate sexual  
5 intercourse] **conduct** with a prisoner or an offender who is confined in a jail, prison, or  
6 correctional facility; or

7 (2) [Such person] Is a probation and parole officer and [has sexual intercourse or deviate  
8 sexual intercourse] **engages in sexual conduct** with an offender who is under the direct  
9 supervision of the officer.

10 2. For the purposes of this section the following terms shall mean:

11 (1) "Offender", includes any person in the custody of a prison or correctional facility and  
12 any person who is under the supervision of the state board of probation and parole;

13 (2) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or  
14 after disposition of a charge.

15 3. **The offense of** sexual [contact] **conduct** with a prisoner or offender is a class [D] **E**  
16 felony.

17 4. Consent of a prisoner or offender is not [an affirmative] **a** defense.

566.147. 1. Any person who, since July 1, 1979, has been or hereafter has [pleaded  
2 guilty or nolo contendere to, or been convicted of, or] been found guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions of [subsection 2 of]  
4 section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree;  
5 [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance;  
6 section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual  
7 exploitation of a minor; section 573.025, promoting child pornography in the first degree; section  
8 573.035, promoting child pornography in the second degree; section 573.037, possession of child  
9 pornography, or section 573.040, furnishing pornographic material to minors; or

10 (2) Any offense in any other [state or foreign country, or under federal, tribal, or military]  
11 jurisdiction which, if committed in this state, would be a violation listed in this section; shall not  
12 reside within one thousand feet of any public school as defined in section 160.011, any private  
13 school giving instruction in a grade or grades not higher than the twelfth grade, **or** any child care  
14 facility that is licensed under chapter 210, or any child care facility as defined in section 210.201  
15 that is exempt from state licensure but subject to state regulation under section 210.252 and holds  
16 itself out to be a child care facility, where the school or facility is in existence at the time the  
17 individual begins to reside at the location.

18 2. If such person has already established a residence and a public school, a private  
19 school, or child care facility is subsequently built or placed within one thousand feet of such  
20 person's residence, then such person shall, within one week of the opening of such public school,  
21 private school, or child care facility, notify the county sheriff where such public school, private  
22 school, or child care facility is located that he or she is now residing within one thousand feet of  
23 such public school, private school, or child care facility and shall provide verifiable proof to the  
24 sheriff that he or she resided there prior to the opening of such public school, private school, or  
25 child care facility.

26 3. For purposes of this section, "resides" means sleeps in a residence, which may include  
27 more than one location and may be mobile or transitory.

28 4. Violation of the provisions of subsection 1 of this section is a class [D] **E** felony  
29 except that the second or any subsequent violation is a class B felony. Violation of the  
30 provisions of subsection 2 of this section is a class A misdemeanor except that the second or  
31 subsequent violation is a class [D] **E** felony.

566.148. 1. Any person who has [pleaded guilty or nolo contendere to, or] been  
2 convicted of, or been found guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions of [subsection 2 of]  
4 section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree;  
5 [subsection 2 of section 568.080] **section 573.200**, use of a child in a sexual performance;  
6 section [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual  
7 exploitation of a minor; section 573.025, promoting child pornography in the first degree; section  
8 573.035, promoting child pornography in the second degree; section 573.037, possession of child  
9 pornography, or section 573.040, furnishing pornographic material to minors; or

10 (2) Any offense in any other [state or foreign country, or under federal, tribal, or military]  
11 jurisdiction which, if committed in this state, would be a violation listed in this section; shall not  
12 knowingly be physically present in or loiter within five hundred feet of or to approach, contact,  
13 or communicate with any child under eighteen years of age in any child care facility building,  
14 on the real property comprising any child care facility when persons under the age of eighteen  
15 are present in the building, on the grounds, or in the conveyance, unless the offender is a parent,  
16 legal guardian, or custodian of a student present in the building or on the grounds.

17           2. For purposes of this section, "child care facility" shall [have the same meaning as such  
18 term is defined in section 210.201] **include any child care facility licensed under chapter 210,**  
19 **or any child care facility that is exempt from state licensure but subject to state regulation**  
20 **under section 210.252 and holds itself out to be a child care facility.**

21           3. [Any person who violates] **Violation of** the provisions of this section is [guilty of] a  
22 class A misdemeanor.

          566.149. 1. Any person who has [pleaded guilty or nolo contendere to, or been  
2 convicted of, or] been found guilty of:

3           (1) Violating any of the provisions of this chapter or the provisions [of subsection 2] of  
4 section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree;  
5 [subsection 2 of section 568.080] **573.200**, use of a child in a sexual performance; section  
6 [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual  
7 exploitation of a minor; section 573.025, promoting child pornography; or section 573.040,  
8 furnishing pornographic material to minors; or

9           (2) Any offense in any other [state or foreign country, or under tribal, federal, or military]  
10 jurisdiction which, if committed in this state, would be a violation listed in this section; shall not  
11 be present in or loiter within five hundred feet of any school building, on real property  
12 comprising any school, or in any conveyance owned, leased, or contracted by a school to  
13 transport students to or from school or a school-related activity when persons under the age of  
14 eighteen are present in the building, on the grounds, or in the conveyance, unless the offender  
15 is a parent, legal guardian, or custodian of a student present in the building and has met the  
16 conditions set forth in subsection 2 of this section.

17           2. No parent, legal guardian, or custodian who has [pleaded guilty or nolo contendere  
18 to, or been convicted of, or] been found guilty of violating any of the offenses listed in subsection  
19 1 of this section shall be present in any school building, on real property comprising any school,  
20 or in any conveyance owned, leased, or contracted by a school to transport students to or from  
21 school or a school-related activity when persons under the age of eighteen are present in the  
22 building, on the grounds or in the conveyance unless the parent, legal guardian, or custodian has  
23 permission to be present from the superintendent or school board or in the case of a private  
24 school from the principal. In the case of a public school, if permission is granted, the  
25 superintendent or school board president must inform the principal of the school where the sex  
26 offender will be present. Permission may be granted by the superintendent, school board, or in  
27 the case of a private school from the principal for more than one event at a time, such as a series  
28 of events, however, the parent, legal guardian, or custodian must obtain permission for any other  
29 event he or she wishes to attend for which he or she has not yet had permission granted.

30           3. Regardless of the person's knowledge of his or her proximity to school property or a  
31 school-related activity, violation of the provisions of this section [shall be] **is** a class A  
32 misdemeanor.

566.150. 1. Any person who has [pleaded guilty to, or been convicted of, or] been found  
2 guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions of [subsection 2 of]  
4 section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree;  
5 [subsection 2 of section 568.080] **573.200**, use of a child in a sexual performance; section  
6 [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual  
7 exploitation of a minor; section 573.025, promoting child pornography; or section 573.040,  
8 furnishing pornographic material to minors; or

9 (2) Any offense in any other [state or foreign country, or under federal, tribal, or military]  
10 jurisdiction which, if committed in this state, would be a violation listed in this section; shall not  
11 knowingly be present in or loiter within five hundred feet of any real property comprising any  
12 public park with playground equipment or a public swimming pool.

13 2. The first violation of the provisions of this section [shall be] **is** a class [D] **E** felony.

14 3. A second or subsequent violation of this section [shall be] **is** a class [C] **D** felony.

566.151. 1. A person [at least] twenty-one years [of age] **old** or older commits the  
2 [crime] **offense** of enticement of a child if [that person] **he or she** persuades, solicits, coaxes,  
3 entices, or lures whether by words, actions or through communication via the Internet or any  
4 electronic communication, any person who is less than [fifteen] **fourteen** years of age for the  
5 purpose of engaging in sexual conduct.

6 2. It is not [an affirmative] **a** defense to a prosecution for a violation of this section that  
7 the other person was a peace officer masquerading as a minor.

8 3. Enticement of a child or an attempt to commit enticement of a child is a felony for  
9 which the authorized term of imprisonment shall be not less than five years and not more than  
10 thirty years. No person convicted under this section shall be eligible for parole, probation,  
11 conditional release, or suspended imposition or execution of sentence for a period of five  
12 calendar years.

566.153. 1. A person commits the [crime] **offense** of age misrepresentation with intent  
2 to solicit a minor when he or she knowingly misrepresents his or her age with the intent to use  
3 the Internet **or any electronic communication** to engage in criminal sexual conduct involving  
4 a minor.

5 2. **The offense of** age misrepresentation with intent to solicit a minor is a class [D] **E**  
6 felony.

566.155. 1. Any person who has [pleaded guilty to, or been convicted of, or] been found  
2 guilty of:

3 (1) Violating any of the provisions of this chapter or the provisions [of subsection 2] of  
4 section 568.020, incest; section 568.045, endangering the welfare of a child in the first degree;  
5 [subsection 2 of section 568.080] **573.200**, use of a child in a sexual performance; section  
6 [568.090] **573.205**, promoting a sexual performance by a child; section 573.023, sexual

7 exploitation of a minor; section 573.025, promoting child pornography; or section 573.040,  
8 furnishing pornographic material to minors; or

9 (2) Any offense in any other [state or foreign country, or under federal, tribal, or military]  
10 jurisdiction which, if committed in this state, would be a violation listed in this section; shall not  
11 serve as an athletic coach, manager, or athletic trainer for any sports team in which a child less  
12 than seventeen years [of age] **old** is a member.

13 2. The first violation of the provisions of this section [shall be] **is** a class [D] **E** felony.

14 3. A second or subsequent violation of this section [shall be] **is** a class [C] **D** felony.

566.203. 1. A person commits the [crime] **offense** of abusing an individual through  
2 forced labor by knowingly providing or obtaining the labor or services of a person:

3 (1) By causing or threatening to cause serious physical injury to any person;

4 (2) By physically restraining or threatening to physically restrain another person;

5 (3) By blackmail;

6 (4) By means of any scheme, plan, or pattern of behavior intended to cause such person  
7 to believe that, if the person does not perform the labor services, the person or another person  
8 will suffer serious physical injury, physical restraint, or financial harm; or

9 (5) By means of the abuse or threatened abuse of the law or the legal process.

10 2. A person who [pleads guilty to or] is found guilty of the crime of abuse through forced  
11 labor shall not be required to register as a sexual offender pursuant to the provisions of section  
12 589.400, unless such person is otherwise required to register pursuant to the provisions of such  
13 section.

14 3. The [crime] **offense** of abuse through forced labor is a felony punishable by  
15 imprisonment for a term of years not less than five years and not more than twenty years and a  
16 fine not to exceed two hundred fifty thousand dollars. If death results from a violation of this  
17 section, or if the violation includes kidnapping or an attempt to kidnap, sexual abuse when  
18 punishable as a class B felony, or an attempt to commit sexual abuse when punishable as a class  
19 B felony, or an attempt to kill, it shall be punishable for a term of years not less than five years  
20 or life and a fine not to exceed two hundred fifty thousand dollars.

566.206. 1. A person commits the [crime] **offense** of trafficking for the purposes of  
2 slavery, involuntary servitude, peonage, or forced labor if [a person] **he or she** knowingly  
3 recruits, entices, harbors, transports, provides, or obtains by any means, including but not limited  
4 to through the use of force, abduction, coercion, fraud, deception, blackmail, or causing or  
5 threatening to cause financial harm, another person for labor or services, for the purposes of  
6 slavery, involuntary servitude, peonage, or forced labor, or benefits, financially or by receiving  
7 anything of value, from participation in such activities.

8 2. A person who [pleads guilty to or] is found guilty of the [crime] **offense** of trafficking  
9 for the purposes of slavery, involuntary servitude, peonage, or forced labor shall not be required

10 to register as a sexual offender pursuant to the provisions of section 589.400, unless [such  
11 person] **he or she** is otherwise required to register pursuant to the provisions of such section.

12 3. Except as provided in subsection 4 of this section, **the offense of** trafficking for the  
13 purposes of slavery, involuntary servitude, peonage, or forced labor is a felony punishable by  
14 imprisonment for a term of years not less than five years and not more than twenty years and a  
15 fine not to exceed two hundred fifty thousand dollars.

16 4. If death results from a violation of this section, or if the violation includes kidnapping  
17 or an attempt to kidnap, sexual abuse when punishable as a class B felony or an attempt to  
18 commit sexual abuse when the sexual abuse attempted is punishable as a class B felony, or an  
19 attempt to kill, it shall be punishable by imprisonment for a term of years not less than five years  
20 or life and a fine not to exceed two hundred fifty thousand dollars.

566.209. 1. A person commits the [crime] **offense** of trafficking for the purposes of  
2 sexual exploitation if [a person] **he or she** knowingly recruits, entices, harbors, transports,  
3 provides, or obtains by any means, including but not limited to through the use of force,  
4 abduction, coercion, fraud, deception, blackmail, or causing or threatening to cause financial  
5 harm, another person for the use or employment of such person in sexual conduct, a sexual  
6 performance, or the production of explicit sexual material as defined in section [573.010]  
7 **556.061**, without his or her consent, or benefits, financially or by receiving anything of value,  
8 from participation in such activities.

9 2. The [crime] **offense** of trafficking for the purposes of sexual exploitation is a felony  
10 punishable by imprisonment for a term of years not less than five years and not more than twenty  
11 years and a fine not to exceed two hundred fifty thousand dollars. If a violation of this section  
12 was effected by force, abduction, or coercion, the crime of trafficking for the purposes of sexual  
13 exploitation is a felony punishable by imprisonment for a term of years not less than ten years  
14 or life and a fine not to exceed two hundred fifty thousand dollars.

[566.213.] **566.210.** 1. A person commits the [crime] **offense** of sexual trafficking of  
2 a child [under the age of twelve if the individual] **in the first degree if he or she** knowingly:

3 (1) Recruits, entices, harbors, transports, provides, or obtains by any means, including  
4 but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or  
5 causing or threatening to cause financial harm, a person under the age of twelve to participate  
6 in a commercial sex act, a sexual performance, or the production of explicit sexual material as  
7 defined in section 573.010, or benefits, financially or by receiving anything of value, from  
8 participation in such activities; or

9 (2) Causes a person under the age of twelve to engage in a commercial sex act, a sexual  
10 performance, or the production of explicit sexual material as defined in section 573.010.

11 2. It shall not be a defense that the defendant believed that the person was twelve years  
12 of age or older.

13           3. **The offense** of sexual trafficking of a child [less than twelve years of age shall be] **in**  
14 **the first degree** is a felony for which the authorized term of imprisonment is life imprisonment  
15 without eligibility for probation or parole until the [defendant] **offender** has served not less than  
16 twenty-five years of such sentence. Subsection 4 of section 558.019 shall not apply to the  
17 sentence of a person who has [pleaded guilty to or] been found guilty of sexual trafficking of a  
18 child less than twelve years of age, and "life imprisonment" shall mean imprisonment for the  
19 duration of a person's natural life for the purposes of this section.

          [566.212.] **566.211.** 1. A person commits the [crime] **offense** of sexual trafficking of  
2 a child **in the second degree** if [the individual] **he or she** knowingly:

3           (1) Recruits, entices, harbors, transports, provides, or obtains by any means, including  
4 but not limited to through the use of force, abduction, coercion, fraud, deception, blackmail, or  
5 causing or threatening to cause financial harm, a person under the age of eighteen to participate  
6 in a commercial sex act, a sexual performance, or the production of explicit sexual material as  
7 defined in section 573.010, or benefits, financially or by receiving anything of value, from  
8 participation in such activities; or

9           (2) Causes a person under the age of eighteen to engage in a commercial sex act, a sexual  
10 performance, or the production of explicit sexual material as defined in section 573.010.

11           2. It shall not be a defense that the defendant believed that the person was eighteen years  
12 of age or older.

13           3. **The offense** sexual trafficking of a child **in the second degree** is a felony punishable  
14 by imprisonment for a term of years not less than ten years or life and a fine not to exceed two  
15 hundred fifty thousand dollars if the child is under the age of eighteen. If a violation of this  
16 section was effected by force, abduction, or coercion, the crime of sexual trafficking of a child  
17 shall be a felony for which the authorized term of imprisonment is life imprisonment without  
18 eligibility for probation or parole until the defendant has served not less than twenty-five years  
19 of such sentence.

          566.215. 1. A person commits the [crime] **offense** of contributing to human trafficking  
2 through the misuse of documentation when [the individual] **he or she** knowingly:

3           (1) Destroys, conceals, removes, confiscates, or possesses a valid or purportedly valid  
4 passport, government identification document, or other immigration document of another person  
5 while committing [crimes] **offenses** or with the intent to commit [crimes] **offenses**, pursuant to  
6 sections [566.200] **566.203** to 566.218; or

7           (2) Prevents, restricts, or attempts to prevent or restrict, without lawful authority, a  
8 person's ability to move or travel by restricting the proper use of identification, in order to  
9 maintain the labor or services of a person who is the victim of [a crime] **an offense** committed  
10 pursuant to sections [566.200] **566.203** to 566.218.

11           2. A person who [pleads guilty to or] is found guilty of the [crime] **offense** of  
12 contributing to human trafficking through the misuse of documentation shall not be required to

13 register as a sexual offender pursuant to the provisions of section 589.400, unless [such person]  
14 **he or she** is otherwise required to register pursuant to the provisions of such section.

15 3. The [crime] **offense** of contributing to human trafficking through the misuse of  
16 documentation is a class [D] **E** felony.

566.218. Notwithstanding sections 557.011, 558.019, and 559.021, a [court sentencing  
2 a defendant convicted of] **person found guilty of** violating [the] **any** provisions of section  
3 566.203, 566.206, 566.209, [566.212, or 566.213 shall order the defendant] **566.210, 566.211,**  
4 **or 566.215 shall be ordered by the sentencing court** to pay restitution to the victim of the  
5 offense regardless of whether the defendant is sentenced to a term of imprisonment or probation.  
6 The minimum restitution ordered by the court shall be in the amount determined by the court  
7 necessary to compensate the victim for the value of the victim's labor and/or for the mental and  
8 physical rehabilitation of the victim and any child of the victim.

567.010. As used in this chapter, the following terms mean:

2 (1) ["Promoting prostitution", a person promotes prostitution if, acting other than as a  
3 prostitute or a patron of a prostitute, he knowingly

4 (a) Causes or aids a person to commit or engage in prostitution; or

5 (b) Procures or solicits patrons for prostitution; or

6 (c) Provides persons or premises for prostitution purposes; or

7 (d) Operates or assists in the operation of a house of prostitution or a prostitution  
8 enterprise; or

9 (e) Accepts or receives or agrees to accept or receive something of value pursuant to an  
10 agreement or understanding with any person whereby he participates or is to participate in  
11 proceeds of prostitution activity; or

12 (f) Engages in any conduct designed to institute, aid or facilitate an act or enterprise of  
13 prostitution;

14 (2) "Prostitution", a person commits prostitution if he engages or offers or agrees to  
15 engage in sexual conduct with another person in return for something of value to be received by  
16 the person or by a third person;

17 (3) "Patronizing prostitution", a person patronizes prostitution if

18 (a) Pursuant to a prior understanding, he gives something of value to another person as  
19 compensation for that person or a third person having engaged in sexual conduct with him or  
20 with another; or

21 (b) He gives or agrees to give something of value to another person on an understanding  
22 that in return therefor that person or a third person will engage in sexual conduct with him or  
23 with another; or

24 (c) He solicits or requests another person to engage in sexual conduct with him or with  
25 another, or to secure a third person to engage in sexual conduct with him or with another, in  
26 return for something of value;



27           (4)] **"Deviate sexual intercourse", any sexual act involving the genitals of one**  
28 **person and the mouth, hand, tongue or anus of another person; or any act involving the**  
29 **penetration, however slight, of the penis or the vagina or the anus by a finger, instrument,**  
30 **or object done for the purpose of arousing or gratifying the sexual desire of any person or**  
31 **for the purpose of terrorizing the victim;**

32           (2) **"Prostitution-related offense", any violation of state law for prostitution,**  
33 **patronizing prostitution or promoting prostitution;**

34           (3) **"Persistent prostitution offender", a person is a persistent prostitution offender**  
35 **if they have pled guilty to or been found guilty of two or more prostitution-related offenses;**

36           (4) **"Sexual conduct" [occurs when there is] sexual intercourse, deviate sexual**  
37 **intercourse, or sexual contact;**

38           [(a)] (5) **"Sexual intercourse" [which means] , any penetration, however slight, of the**  
39 **[female sex organ] vagina by the [male sex organ, whether or not an emission results or] penis;**

40           [(b)] **"Deviate sexual intercourse" which means any sexual act involving the genitals of**  
41 **one person and the mouth, hand, tongue or anus of another person; or**

42           [(c)] (6) **"Sexual contact" [which means] , any touching[, manual or otherwise, of the anus**  
43 **or] of another person with the genitals [of one person by another, done] or any touching of**  
44 **the genitals or anus of another person or the breast of a female person, or such touching**  
45 **through the clothing, for the purpose of arousing or gratifying sexual desire of [either party]**  
46 **any person or for the purpose of terrorizing the victim;**

47           [(5)] (7) **"Something of value" [means] , any money or property, or any token, object or**  
48 **article exchangeable for money or property[;].**

          567.020. 1. A person commits the [crime] **offense** of prostitution if [the person performs  
2 an act of prostitution] **he or she engages in or offers or agrees to engage in sexual conduct**  
3 **with another person in return for something of value to be received by any person.**

4           2. **The offense of** prostitution is a class B misdemeanor unless the person knew prior to  
5 performing the act of prostitution that he or she was infected with HIV in which case prostitution  
6 is a class B felony. The use of condoms is not a defense to this [crime] **offense.**

7           3. As used in this section, "HIV" means the human immunodeficiency virus that causes  
8 acquired immunodeficiency syndrome.

9           4. The judge may order a drug and alcohol abuse treatment program for any person found  
10 guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. For the class  
11 B misdemeanor offense, upon the successful completion of such program by the defendant, the  
12 court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the  
13 verdict and enter a judgment of not guilty. For the class B felony offense, the court shall not  
14 allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment  
15 of not guilty. The judge, however, has discretion to take into consideration successful  
16 completion of a drug or alcohol treatment program in determining the defendant's sentence.

567.030. 1. A person commits the [crime] **offense** of patronizing prostitution if he  
2 [patronizes prostitution] **or she:**

3       **(1) Pursuant to a prior understanding, gives something of value to another person**  
4 **as compensation for having engaged in sexual conduct with any person; or**

5       **(2) Gives or agrees to give something of value to another person on an**  
6 **understanding that such person or another person will engage in sexual conduct with any**  
7 **person; or**

8       **(3) Solicits or requests another person to engage in sexual conduct with any person**  
9 **in return for something of value.**

10       2. It shall not be [an affirmative] **a** defense that the [defendant] **person** believed that the  
11 [person] **individual** he or she patronized for prostitution was eighteen years [of age] **old** or older.

12       3. **The offense of** patronizing prostitution is a class B misdemeanor, unless the  
13 individual who the person [is patronizing] **patronizes** is [under the age of] **less than** eighteen  
14 **years of age** but older than [the age of] fourteen **years of age**, in which case patronizing  
15 prostitution is a class A misdemeanor.

16       4. **The offense of** patronizing prostitution is a class [D] **E** felony if the individual who  
17 the person patronizes is fourteen years of age or younger. Nothing in this section shall preclude  
18 the prosecution of an individual for the offenses of:

19       (1) Statutory rape in the first degree pursuant to section 566.032;

20       (2) Statutory rape in the second degree pursuant to section 566.034;

21       (3) Statutory sodomy in the first degree pursuant to section 566.062; or

22       (4) Statutory sodomy in the second degree pursuant to section 566.064.

567.050. 1. A person commits the [crime] **offense** of promoting prostitution in the first  
2 degree if he **or she** knowingly:

3       (1) Promotes prostitution by compelling a person to enter into, engage in, or remain in  
4 prostitution; or

5       (2) Promotes prostitution of a person less than sixteen years [old] **of age.**

6       2. The term "compelling" includes

7       (1) The use of forcible compulsion;

8       (2) The use of a drug or intoxicating substance to render a person incapable of  
9 controlling his conduct or appreciating its nature;

10       (3) Withholding or threatening to withhold dangerous drugs or a narcotic from a drug  
11 dependent person.

12       3. **The offense of** promoting prostitution in the first degree is a class B felony.

567.060. 1. A person commits the [crime] **offense** of promoting prostitution in the  
2 second degree if he **or she** knowingly promotes prostitution by managing, supervising,  
3 controlling or owning, either alone or in association with others, a house of prostitution or a  
4 prostitution business or enterprise involving prostitution activity by two or more prostitutes.

5           2. **The offense of** promoting prostitution in the second degree is a class [C] **D** felony.  
567.070. 1. A person commits the [crime] **offense** of promoting prostitution in the third  
2 degree if he **or she** knowingly [promotes prostitution] :

3           **(1) Causes or aids a person to commit or engage in prostitution; or**

4           **(2) Procures or solicits patrons for prostitution; or**

5           **(3) Provides persons or premises for prostitution purposes; or**

6           **(4) Operates or assists in the operation of a house of prostitution or a prostitution**  
7 **business or enterprise; or**

8           **(5) Accepts or receives or agrees to accept or receive something of value pursuant**  
9 **to an agreement or understanding with any person whereby he or she participates or is to**  
10 **participate in proceeds of prostitution activity; or**

11           **(6) Engages in any conduct designed to institute, aid or facilitate an act or**  
12 **enterprise of prostitution.**

13           2. **The offense of** promoting prostitution in the third degree is a class [D] **E** felony.

567.080. 1. Any room, building or other structure regularly used for [sexual contact for  
2 pay as defined in section 567.010 or] any [unlawful] prostitution activity prohibited by this  
3 chapter is a public nuisance.

4           2. The attorney general, circuit attorney or prosecuting attorney may, in addition to all  
5 criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the  
6 owner of the room, building or structure knew or had reason to believe that the premises were  
7 being used regularly for [sexual contact for pay or unlawful] prostitution activity, the court may  
8 order that the premises shall not be occupied or used for such period as the court may determine,  
9 not to exceed one year.

10           3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding  
11 or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and  
12 they may be enjoined from engaging in any [sexual contact for pay or unlawful] prostitution  
13 activity anywhere within the jurisdiction of the court.

14           4. Appeals shall be allowed from the judgment of the court as in other civil actions.

567.085. 1. A person commits the [crime] **offense** of promoting travel for prostitution  
2 if [the person] **he or she** knowingly sells or offers to sell travel services that include or facilitate  
3 travel for the purpose of engaging in prostitution as defined by section [567.010] **567.020.**

4           2. The [crime] **offense** of promoting travel for prostitution is a class [C] **D** felony.

567.087. 1. No travel agency or charter tour operator shall:

2           **(1) Promote travel for prostitution [under] as described in** section 567.085;

3           **(2) Sell, advertise, or otherwise offer to sell travel services or facilitate travel:**

4           **(a) For the purpose of engaging in a commercial sex act as defined in section 566.200;**

5           **(b) That consists of tourism packages or activities using and offering any sexual contact**  
6 **as defined in section 566.010 as enticement for tourism; or**

7 (c) That provides or purports to provide access to or that facilitates the availability of sex  
8 escorts or sexual services.

9 2. There shall be a rebuttable presumption that any travel agency or charter tour operator  
10 using advertisements that include the term "sex tours" or "sex travel" or include depictions of  
11 human genitalia is in violation of this section.

567.110. Any person who [pleads guilty to or is] **has been** found guilty of a violation  
2 of section 567.020 or 567.030 and who is alleged and proved to be a persistent prostitution  
3 offender is guilty of a class [D] E felony.

567.120. Any person arrested for a prostitution-related offense, who has [a prior  
2 conviction of or has pled] **been found** guilty [to] **of** a prior prostitution-related offense, may,  
3 within the sound discretion of the court, be required to undergo HIV testing as a condition  
4 precedent to the issuance of bond for the offense.

568.010. 1. A married person commits the [crime] **offense** of bigamy if he **or she**:

2 (1) Purports to [contract] **marry** another [marriage]; or

3 (2) Cohabits [in this state after] **with one whom he or she entered into** a bigamous  
4 marriage in another jurisdiction.

5 2. A married person does not commit bigamy if, at the time of the subsequent marriage  
6 ceremony, he **or she** reasonably believes that he **or she** is legally eligible to remarry.

7 3. The defendant shall have the burden of injecting the issue of reasonable belief of  
8 eligibility to remarry.

9 4. An unmarried person commits the [crime] **offense** of bigamy if he **or she**:

10 (1) Purports to [contract marriage] **marry another** knowing that the other person is  
11 married; or

12 (2) Cohabits [in this state after] **with one whom he or she entered into** a bigamous  
13 marriage in another jurisdiction.

14 5. **The offense of** bigamy is a class A misdemeanor.

568.020. 1. A person commits the [crime] **offense** of incest if he **or she** marries or  
2 purports to marry or engages in sexual intercourse or deviate sexual intercourse with a person  
3 he **or she** knows to be, without regard to legitimacy, **his or her**:

4 (1) [His] Ancestor or descendant by blood or adoption; or

5 (2) [His] Stepchild, while the marriage creating that relationship exists; or

6 (3) [His] Brother or sister of the whole or half-blood; or

7 (4) [His] Uncle, aunt, nephew or niece of the whole blood.

8 2. **The offense of** incest is a class [D] E felony.

9 3. **The court shall not grant probation to a person who has previously been found**  
10 **guilty of an offense under this section.**

568.030. 1. A person commits the [crime] **offense** of abandonment of a child in the first  
2 degree if, as a parent, guardian or other person legally charged with the care or custody of a child

3 less than four years [old] **of age**, he **or she** leaves the child in any place with purpose wholly to  
4 abandon [it] **the child**, under circumstances which are likely to result in serious physical injury  
5 or death.

6 2. **The offense of** abandonment of a child in the first degree is a class [B] **C felony**,  
7 **unless the child suffers serious physical injury or death, in which case it is a class B felony.**

568.032. 1. A person commits the [crime] **offense** of abandonment of a child in the  
2 second degree if, as a parent, guardian or other person legally charged with the care or custody  
3 of a child less than eight years [old] **of age**, he **or she** leaves the child in any place with purpose  
4 wholly to abandon [it] **the child**, under circumstances which are likely to result in serious  
5 physical injury or death.

6 2. **The offense of** abandonment of a child in the second degree is a class D felony,  
7 **unless the child suffers serious physical injury or death, in which case it is a class C felony.**

568.040. 1. A person commits the [crime] **offense** of nonsupport if [such person] **he or**  
2 **she** knowingly fails to provide adequate support for his or her spouse; a parent commits the  
3 [crime] **offense** of nonsupport if such parent knowingly fails to provide adequate support which  
4 such parent is legally obligated to provide for his or her child or stepchild who is not otherwise  
5 emancipated by operation of law.

6 2. For purposes of this section:

7 (1) "Child" means any biological or adoptive child, or any child whose paternity has been  
8 established under chapter 454, or chapter 210, or any child whose relationship to the defendant  
9 has been determined, by a court of law in a proceeding for dissolution or legal separation, to be  
10 that of child to parent;

11 (2) "Good cause" means any substantial reason why the defendant is unable to provide  
12 adequate support. Good cause does not exist if the defendant purposely maintains his inability  
13 to support;

14 (3) "Support" means food, clothing, lodging, and medical or surgical attention;

15 (4) It shall not constitute a failure to provide medical and surgical attention, if  
16 nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

17 3. Inability to provide support for good cause shall be an affirmative defense under this  
18 section. A [person] **defendant** who raises such affirmative defense has the burden of proving  
19 the defense by a preponderance of the evidence.

20 4. The defendant shall have the burden of injecting the issues raised by subdivision (4)  
21 of subsection 2 **and subsection 3** of this section.

22 5. **The offense of** criminal nonsupport is a class A misdemeanor, unless the total  
23 arrearage is in excess of an aggregate of twelve monthly payments due under any order of  
24 support issued by any court of competent jurisdiction or any authorized administrative agency,  
25 in which case it is a class [D] **E felony**.

26           6. If at any time [a defendant] **an offender** convicted of criminal nonsupport is placed  
27 on probation or parole, there may be ordered as a condition of probation or parole that the  
28 [defendant] **offender** commence payment of current support as well as satisfy the arrearages.  
29 Arrearages may be satisfied first by making such lump sum payment as the [defendant] **offender**  
30 is capable of paying, if any, as may be shown after examination of [defendant's] **the offender's**  
31 financial resources or assets, both real, personal, and mixed, and second by making periodic  
32 payments. Periodic payments toward satisfaction of arrears when added to current payments due  
33 may be in such aggregate sums as is not greater than fifty percent of the [defendant's] **offender's**  
34 adjusted gross income after deduction of payroll taxes, medical insurance that also covers a  
35 dependent spouse or children, and any other court- or administrative-ordered support, only. If  
36 the [defendant] **offender** fails to pay the current support and arrearages as ordered, the court may  
37 revoke probation or parole and then impose an appropriate sentence within the range for the class  
38 of offense that the [defendant] **offender** was convicted of as provided by law, unless the  
39 [defendant] **offender** proves good cause for the failure to pay as required under subsection 3 of  
40 this section.

41           7. During any period that a nonviolent [defendant] **offender** is incarcerated for criminal  
42 nonsupport, if the [defendant] **offender** is ready, willing, and able to be gainfully employed  
43 during said period of incarceration, the [defendant] **offender**, if he or she meets the criteria  
44 established by the department of corrections, may be placed on work release to allow the  
45 [defendant] **offender** to satisfy [defendant's] **his or her** obligation to pay support. Arrearages  
46 shall be satisfied as outlined in the collection agreement.

47           8. Beginning August 28, 2009, every nonviolent first- and second-time offender then  
48 incarcerated for criminal nonsupport, who has not been previously placed on probation or parole  
49 for conviction of criminal nonsupport, may be considered for parole, under the conditions set  
50 forth in subsection 6 of this section, or work release, under the conditions set forth in subsection  
51 7 of this section.

52           9. Beginning January 1, 1991, every prosecuting attorney in any county which has  
53 entered into a cooperative agreement with the child support enforcement service of the family  
54 support division of the department of social services shall report to the division on a quarterly  
55 basis the number of charges filed and the number of convictions obtained under this section by  
56 the prosecuting attorney's office on all IV-D cases. The division shall consolidate the reported  
57 information into a statewide report by county and make the report available to the general public.

58           10. Persons accused of committing the offense of nonsupport of the child shall be  
59 prosecuted:

60           (1) In any county in which the child resided during the period of time for which the  
61 defendant is charged; or

62           (2) In any county in which the defendant resided during the period of time for which the  
63 defendant is charged.

568.045. 1. A person commits the [crime] **offense** of endangering the welfare of a child in the first degree if **he or she**:

(1) [The person] Knowingly acts in a manner that creates a substantial risk to the life, body, or health of a child less than seventeen years [old] **of age**; or

(2) [The person] Knowingly engages in sexual conduct with a person under the age of seventeen years over whom the person is a parent, guardian, or otherwise charged with the care and custody;

(3) [The person] Knowingly encourages, aids or causes a child less than seventeen years of age to engage in any conduct which violates the provisions of chapter [195] **579**;

(4) [Such person enlists the aid, either through payment or coercion, of a person less than seventeen years of age to unlawfully manufacture, compound, produce, prepare, sell, transport, test or analyze amphetamine or methamphetamine or any of their analogues, or to obtain any material used to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues; or

(5) Such person,] In the presence of a [person] **child** less than seventeen years [of age] **old** or in a residence where a [person] **child** less than seventeen years [of age] **old** resides, unlawfully manufactures, or attempts to manufacture compounds, possesses, produces, prepares, sells, transports, tests or analyzes amphetamine or methamphetamine or any of their analogues.

2. **The offense of** endangering the welfare of a child in the first degree is a class [C] **E** felony unless the offense:

(1) Is committed as part of [a ritual or ceremony, or except on] **an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity, or where physical injury to the child results, or the offense is** a second or subsequent offense **under this section**, in which case the [crime] **offense** is a class [B] **C** felony; or

(2) **Results in serious physical injury to the child, in which case the offense is a class B felony; or**

(3) **Results in death of a child, in which case the offense is a class A felony.**

[3. This section shall be known as "Hope's Law".]

568.050. 1. A person commits the [crime] **offense** of endangering the welfare of a child in the second degree if **he or she**:

(1) [He or she] With criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen years [old] **of age**; or

(2) [He or she] Knowingly encourages, aids or causes a child less than seventeen years [old] **of age** to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

(3) Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen years [old, he or she] **of age**, recklessly fails or refuses to exercise

11 reasonable diligence in the care or control of such child to prevent him **or her** from coming  
12 within the provisions of paragraph (c) of subdivision (1) of subsection 1 or paragraph (d) of  
13 subdivision (2) of subsection 1 or subdivision (3) of subsection 1 of section 211.031; or

14 (4) [He or she] Knowingly encourages, aids or causes a child less than seventeen years  
15 of age to enter into any room, building or other structure which is a public nuisance as defined  
16 in section [195.130; or

17 (5) He or she operates a vehicle in violation of subdivision (2) or (3) of subsection 1 of  
18 section 565.024, subdivision (4) of subsection 1 of section 565.060, section 577.010, or section  
19 577.012 while a child less than seventeen years old is present in the vehicle] **579.105.**

20 2. Nothing in this section shall be construed to mean the welfare of a child is endangered  
21 for the sole reason that he or she is being provided nonmedical remedial treatment recognized  
22 and permitted under the laws of this state.

23 3. **The offense of** endangering the welfare of a child in the second degree is a class A  
24 misdemeanor unless the offense is committed as part of [a ritual or ceremony] **an act or series**  
25 **of acts performed by two or more persons as part of an established or prescribed pattern**  
26 **of activity**, in which case the [crime] **offense** is a class [D] E felony.

568.060. 1. A person commits the [crime] **offense** of abuse of a child if [such person:

2 (1)] **he or she** knowingly inflicts cruel and inhuman [punishment] **treatment** upon a  
3 child less than seventeen years [old; or

4 (2) Photographs or films a child less than eighteen years old engaging in a prohibited  
5 sexual act or in the simulation of such an act or who causes or knowingly permits a child to  
6 engage in a prohibited sexual act or in the simulation of such an act for the purpose of  
7 photographing or filming the act.

8 2. As used in this section "prohibited sexual act" means any of the following, whether  
9 performed or engaged in either with any other person or alone: sexual or anal intercourse,  
10 masturbation, bestiality, sadism, masochism, fetishism, fellatio, cunnilingus, any other sexual  
11 activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or  
12 gratification of any individual who may view such depiction.

13 3.] **of age.**

14 **2. The offense of** abuse of a child is a class [C] **D** felony, unless:

15 (1) In the course thereof the person inflicts serious emotional injury **or serious physical**  
16 **injury** on the child, or the offense is committed as part of [a ritual or ceremony] **an act or series**  
17 **of acts performed by two or more persons as part of an established or prescribed pattern**  
18 **of activity**, in which case the [crime] **offense** is a class B felony; or

19 (2) A child dies as a result of injuries sustained from conduct chargeable pursuant to the  
20 provisions of this section, in which case the [crime] **offense** is a class A felony.



21 [4. As used in this section, the word "fetishism" means a condition in which erotic  
22 feelings are excited by an object or body part whose presence is psychologically necessary for  
23 sexual stimulation or gratification.]

24 **3. The court shall not grant probation to a person who has previously been found**  
25 **guilty of an offense under this section.**

568.065. 1. A person commits the [crime] **offense** of genital mutilation if [such person]  
2 **he or she:**

3 (1) Excises or infibulates, in whole or in part, the labia majora, labia minora, vulva or  
4 clitoris of a female child less than seventeen years [of age] **old**; or

5 (2) Is a parent, guardian or other person legally responsible for a female child less than  
6 seventeen years [of age] **old** and permits the excision or infibulation, in whole or in part, of the  
7 labia majora, labia minora, vulva or clitoris of such female child.

8 **2. The offense of** genital mutilation is a class B felony.

9 **3.** Belief that the conduct described in subsection 1 of this section is required as a matter  
10 of custom, ritual or standard practice, or consent to the conduct by the child on whom it is  
11 performed or by the child's parent or legal guardian, shall not be an affirmative defense to a  
12 charge pursuant to this section.

13 **4.** It is [an affirmative] **a** defense [that the defendant engaged in] **if** the conduct [charged]  
14 which constitutes genital mutilation [if the conduct] was:

15 (1) Necessary to preserve the health of the child on whom it is performed and is  
16 performed by a person licensed to practice medicine in this state; or

17 (2) Performed on a child who is in labor or who has just given birth and is performed for  
18 medical purposes connected with such labor or birth by a person licensed to practice medicine  
19 in this state.

568.070. 1. A person commits the [crime] **offense** of unlawful transactions with a child  
2 **if he or she:**

3 (1) Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of  
4 such person, [he] with criminal negligence buys or receives any personal property other than  
5 agricultural products from an unemancipated minor, unless the child's custodial parent or  
6 guardian has consented in writing to the transaction; or

7 (2) [He] Knowingly permits a minor child to enter or remain in a place where illegal  
8 activity in controlled substances, as defined in chapter [195] **579**, is maintained or conducted;  
9 or

10 (3) [He] With criminal negligence sells blasting caps, bulk gunpowder, or explosives to  
11 a child under the age of seventeen, or fireworks as defined in section 320.110, to a child under  
12 the age of fourteen, unless the child's custodial parent or guardian has consented in writing to the  
13 transaction. Criminal negligence as to the age of the child is not an element of this crime.

14 **2. The offense of** unlawful transactions with a child is a class B misdemeanor.

568.175. 1. A person[, partnership, corporation, agency, association, institution, society  
or other organization] **or entity** commits the [crime] **offense** of trafficking in children if he, **she**,  
or it offers, gives, receives or solicits any money, consideration or other thing of value for the  
delivery or offer of delivery of a child to another person[, partnership, corporation, agency,  
association, institution, society or other organization] **or entity** for purposes of adoption, or for  
the execution of a consent to adopt or waiver of consent to future adoption or a consent to  
termination of parental rights.

2. [A crime] **An offense** is not committed under this section if the money, consideration  
or thing of value or conduct is permitted under chapter 453 relating to adoption.

3. The [crime] **offense** of trafficking in children is a class [C] **D** felony.

569.010. As used in this chapter the following terms mean:

(1) ["Forcibly steals", a person "forcibly steals", and thereby commits robbery, when, in  
the course of stealing, as defined in section 570.030, he uses or threatens the immediate use of  
physical force upon another person for the purpose of:

(a) Preventing or overcoming resistance to the taking of the property or to the retention  
thereof immediately after the taking; or

(b) Compelling the owner of such property or another person to deliver up the property  
or to engage in other conduct which aids in the commission of the theft;

(2) "Inhabitable structure" includes a ship, trailer, sleeping car, airplane, or other vehicle  
or structure:

(a) Where any person lives or carries on business or other calling; or

(b) Where people assemble for purposes of business, government, education, religion,  
entertainment or public transportation; or

(c) Which is used for overnight accommodation of persons. Any such vehicle or  
structure is "inhabitable" regardless of whether a person is actually present;

(3) "Of another", property is that "of another" if any natural person, corporation,  
partnership, association, governmental subdivision or instrumentality, other than the actor, has  
a possessory or proprietary interest therein;

(4) If a building or structure is divided into separately occupied units, any unit not  
occupied by the actor is an "inhabitable structure of another";

(5) "Vital public facility" includes a facility maintained for use as a bridge, whether over  
land or water, dam, reservoir, tunnel, communication installation or power station;

(6) "Utility", an enterprise which provides gas, electric, steam, water, sewerage disposal  
or communication services and any common carrier. It may be either publicly or privately owned  
or operated;

(7) "To tamper", to interfere with something improperly, to meddle with it, displace it,  
make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or  
possessor of that thing] **"Cave or cavern", any naturally occurring subterranean cavity**

29 **enterable by man including, without limitation, a pit, pothole, natural well, grotto, and**  
30 **tunnel, whether or not the opening has a natural entrance;**

31 [(8)] (2) "Enter unlawfully or remain unlawfully", a person ["enters unlawfully or  
32 remains unlawfully"] **enters or remains** in or upon premises when he **or she** is not licensed or  
33 privileged to do so. A person who, regardless of his **or her** purpose, enters or remains in or upon  
34 premises which are at the time open to the public does so with license and privilege unless he  
35 defies a lawful order not to enter or remain, personally communicated to him **or her** by the  
36 owner of such premises or by other authorized person. A license or privilege to enter or remain  
37 in a building which is only partly open to the public is not a license or privilege to enter or  
38 remain in that part of the building which is not open to the public;

39 (3) **"To tamper", to interfere with something improperly, to meddle with it,**  
40 **displace it, make unwarranted alterations in its existing condition, or to deprive,**  
41 **temporarily, the owner or possessor of that thing;**

42 (4) **"Utility", an enterprise which provides gas, electric, steam, water, sewerage**  
43 **disposal or communication services and any common carrier. It may be either publicly or**  
44 **privately owned or operated.**

569.040. 1. A person commits the [crime] **offense** of arson in the first degree [when]  
2 **if he or she**:

3 (1) knowingly damages a building or inhabitable structure, and when any person is then  
4 present or in near proximity thereto, by starting a fire or causing an explosion and thereby  
5 recklessly places such person in danger of death or serious physical injury; or

6 (2) By starting a fire or explosion, damages a building or inhabitable structure in an  
7 attempt to produce methamphetamine].

8 2. **The offense of** arson in the first degree is a class B felony unless a person has suffered  
9 serious physical injury or has died as a result of the fire or explosion set by the [defendant or as  
10 a result of a fire or explosion started in an attempt by the defendant to produce  
11 methamphetamine] **person**, in which case arson in the first degree is a class A felony.

569.050. 1. A person commits the [crime] **offense** of arson in the second degree [when]  
2 **if he or she** knowingly damages a building or inhabitable structure by starting a fire or causing  
3 an explosion.

4 2. A person does not commit a [crime] **offense** under this section if:

5 (1) No person other than himself **or herself** has a possessory, proprietary or security  
6 interest in the damaged building, or if other persons have those interests, all of them consented  
7 to his **or her** conduct; and

8 (2) [His] **The person's** sole purpose was to destroy or damage the building for a lawful  
9 and proper purpose.

10 3. The defendant shall have the burden of injecting the issue under subsection 2 of this  
11 section.

12           4. **The offense of arson in the second degree is a class [C] D felony unless a person has**  
13 **suffered serious physical injury or has died as a result of the fire or explosion [set by the**  
14 **defendant] , in which case [arson in the second degree] it is a class B felony.**

**569.053. 1. A person commits the offense of arson in the third degree if he or she**  
2 **knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys**  
3 **a building or an inhabitable structure of another.**

4           **2. The offense of arson in the third degree is a class A misdemeanor.**

          569.055. 1. A person commits the [crime] **offense** of knowingly burning or exploding  
2 [when] **if he or she** knowingly damages property of another by starting a fire or causing an  
3 explosion.

4           **2. The offense of knowingly burning or exploding is a class [D] E felony.**

          569.060. 1. A person commits the [crime] **offense** of reckless burning or exploding  
2 [when] **if he[knowingly] or she recklessly** starts a fire or causes an explosion and thereby  
3 [recklessly] damages or destroys [a building or an inhabitable structure] **the property** of another.

4           **2. The offense of reckless burning or exploding is a class [A] B misdemeanor.**

          569.065. 1. A person commits the [crime] **offense** of negligent burning or exploding  
2 [when] **if he or she** with criminal negligence causes damage to property **or to the woodlands,**  
3 **cropland, grassland, prairie, or marsh** of another by [fire or explosion] :

4           **(1) Starting a fire or causing an explosion; or**

5           **(2) Allowing a fire burning on lands in his or her possession or control onto the**  
6 **property of another.**

7           **2. The offense negligent burning or exploding is a class [B] C misdemeanor.**

          [578.445.] **569.075. 1. [No] A person [shall possess] commits the offense of possessing**  
2 **a tool to break into a vending machine if he or she possesses** any key, tool, instrument,  
3 explosive, or similar device, or a drawing, print, mold of a key, tool, instrument, explosive, or  
4 device designed to open, break into, tamper with, or damage a coin-operated vending machine  
5 or any other machine or device which is activated by the customer depositing some form of  
6 payment, with the intent to commit a theft from such machine. [Violation of this subsection is  
7 a class A misdemeanor.]

8           2. The owner of a coin-operated vending machine or any other machine or device which  
9 is activated by the customer depositing some form of payment may maintain a civil cause of  
10 action against any person who [pleads guilty or if] **has been** found guilty of a violation of  
11 [subsection 1 of] this section. If such owner of a coin-operated vending machine or any other  
12 machine or device which is activated by the customer depositing some form of payment prevails  
13 in such action, the court may award treble damages, reasonable attorney's fees, and costs.

14           **3. The offense of possession of a tool to break into a vending machine is a class A**  
15 **misdemeanor.**

569.080. 1. A person commits the [crime] **offense** of tampering in the first degree if **he**  
2 **or she**:

3 (1) [He or she] For the purpose of causing a substantial interruption or impairment of a  
4 service rendered to the public by a utility or by an institution providing health or safety  
5 protection, damages or tampers with property or facilities of such a utility or institution, and  
6 thereby causes substantial interruption or impairment of service; or

7 (2) [He or she] Knowingly receives, possesses, sells, [alters, defaces, destroys] or  
8 unlawfully operates an automobile, airplane, motorcycle, motorboat or other motor-propelled  
9 vehicle without the consent of the owner thereof.

10 2. [Tampering in the first degree is a class C felony.

11 3.] Upon a finding by the court that the probative value outweighs the prejudicial effect,  
12 evidence of the following is admissible in any criminal prosecution of a person under subdivision  
13 (2) of subsection 1 of this section to prove the requisite knowledge [or belief] **that he or she**:

14 (1) [That he or she] Received, possessed, sold, [altered, defaced, destroyed,] or operated  
15 an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle unlawfully on  
16 a separate occasion;

17 (2) [That he or she] Acquired the automobile, airplane, motorcycle, motorboat, or other  
18 motor-propelled vehicle for a consideration which he or she knew was far below its reasonable  
19 value.

20 **3. The offense of tampering in the first degree is a class D felony.**

569.090. 1. A person commits the [crime] **offense** of tampering in the second degree  
2 if he or she:

3 (1) Tampers with property of another for the purpose of causing substantial  
4 inconvenience to that person or to another; or

5 (2) Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat  
6 or other motor-propelled vehicle; or

7 (3) Tampers or makes connection with property of a utility; or

8 (4) Tampers with, or causes to be tampered with, any meter or other property of an  
9 electric, gas, steam or water utility, the effect of which tampering is either:

10 (a) To prevent the proper measuring of electric, gas, steam or water service; or

11 (b) To permit the diversion of any electric, gas, steam or water service.

12 2. In any prosecution under subdivision (4) of subsection 1, proof that a meter or any  
13 other property of a utility has been tampered with, and the person or persons accused received  
14 the use or direct benefit of the electric, gas, steam or water service, with one or more of the  
15 effects described in subdivision (4) of subsection 1, shall be sufficient to support an inference  
16 which the trial court may submit to the trier of fact, from which the trier of fact may conclude  
17 that there has been a violation of such subdivision by the person or persons who use or receive  
18 the direct benefit of the electric, gas, steam or water service.

- 19           3. Tampering in the second degree is a class A misdemeanor unless:  
20           (1) Committed as a second or subsequent violation of subdivision (4) of subsection 1,  
21 in which case it is a class [D] **E** felony; **or**  
22           (2) The defendant has a prior conviction or has [had a prior finding of guilt] **previously**  
23 **been found guilty** pursuant to paragraph (a) of subdivision (3) of subsection 3 of section  
24 570.030, [section 570.080,] or subdivision (2) of subsection 1 of this section, in which case it is  
25 a class [C] **D** felony.

          569.095. 1. A person commits the [crime] **offense** of tampering with computer data if  
2 he **or she** knowingly and without authorization or without reasonable grounds to believe that he  
3 has such authorization:

- 4           (1) Modifies or destroys data or programs residing or existing internal to a computer,  
5 computer system, or computer network; or  
6           (2) Modifies or destroys data or programs or supporting documentation residing or  
7 existing external to a computer, computer system, or computer network; or  
8           (3) Discloses or takes data, programs, or supporting documentation, residing or existing  
9 internal or external to a computer, computer system, or computer network; or  
10          (4) Discloses or takes a password, identifying code, personal identification number, or  
11 other confidential information about a computer system or network that is intended to or does  
12 control access to the computer system or network;  
13          (5) Accesses a computer, a computer system, or a computer network, and intentionally  
14 examines information about another person;  
15          (6) Receives, retains, uses, or discloses any data he knows or believes was obtained in  
16 violation of this subsection.

17          2. **The offense of** tampering with computer data is a class A misdemeanor, unless the  
18 offense is committed for the purpose of devising or executing any scheme or artifice to defraud  
19 or to obtain any property, the value of which is [five] **seven** hundred **fifty** dollars or more, in  
20 which case [tampering with computer data] **it** is a class [D] **E** felony.

          569.097. 1. A person commits the [crime] **offense** of tampering with computer  
2 equipment if he knowingly and without authorization or without reasonable grounds to believe  
3 that he has such authorization:

- 4           (1) Modifies, destroys, damages, or takes equipment or data storage devices used or  
5 intended to be used in a computer, computer system, or computer network; or  
6           (2) Modifies, destroys, damages, or takes any computer, computer system, or computer  
7 network.

8          2. **The offense of** tampering with computer equipment is a class A misdemeanor, unless:  
9          (1) The offense is committed for the purpose of executing any scheme or artifice to  
10 defraud or obtain any property, the value of which is [five] **seven** hundred **fifty** dollars or more,  
11 in which case it is a class [D] **E** felony; or

12 (2) The damage to such computer equipment or to the computer, computer system, or  
13 computer network is [five] **seven** hundred **fifty** dollars or more [but less than one thousand  
14 dollars], in which case it is a class [D] **E** felony; or

15 (3) The damage to such computer equipment or to the computer, computer system, or  
16 computer network is [one] **twenty-five** thousand dollars or [greater] **more**, in which case it is  
17 a class [C] **D** felony.

569.099. 1. A person commits the [crime] **offense** of tampering with computer users if  
2 he **or she** knowingly and without authorization or without reasonable grounds to believe that he  
3 **or she** has such authorization:

4 (1) Accesses or causes to be accessed any computer, computer system, or computer  
5 network; or

6 (2) Denies or causes the denial of computer system services to an authorized user of such  
7 computer system services, which, in whole or in part, is owned by, under contract to, or operated  
8 for, or on behalf of, or in conjunction with another.

9 2. The offense of tampering with computer users is a class A misdemeanor unless the  
10 offense is committed for the purpose of devising or executing any scheme or artifice to defraud  
11 or to obtain any property, the value of which is [five] **seven** hundred **fifty** dollars or more, in  
12 which case tampering with computer users is a class [D] **E** felony.

569.100. 1. A person commits the [crime] **offense** of property damage in the first degree  
2 if **he or she**:

3 (1) [He] Knowingly damages property of another to an extent exceeding seven hundred  
4 [and] fifty dollars; or

5 (2) [He] Damages property to an extent exceeding [one thousand] **seven hundred fifty**  
6 dollars for the purpose of defrauding an insurer.

7 2. **The offense of** property damage in the first degree is a class [D] **E** felony.

569.120. 1. A person commits the [crime] **offense** of property damage in the second  
2 degree if **he or she**:

3 (1) [He] Knowingly damages property of another; or

4 (2) [He] Damages property for the purpose of defrauding an insurer.

5 2. **The offense of** property damage in the second degree is a class B misdemeanor.

569.130. 1. A person does not commit an offense by damaging, tampering with,  
2 operating, riding in or upon, or making connection with property of another if he **or she** does so  
3 under a claim of right and has reasonable grounds to believe he **or she** has such a right.

4 2. The defendant shall have the burden of injecting the issue of claim of right.

[578.416. No person shall] **569.132. 1. This section shall be known and may be cited**  
2 **as the "Crop Protection Act".**

3 **2. A person commits the offense of prohibited act involving crops if he or she:**

4 (1) Intentionally [cause] **causes** the loss of any crop;

5 (2) [Damage, vandalize, or steal] **Damages, vandalizes, or steals** any property in or on  
6 a crop;

7 (3) [Obtain] **Obtains** access to a crop by false pretenses for the purpose of performing  
8 acts not authorized by the landowner;

9 (4) [Enter] **Enters** or otherwise [interfere] **interferes** with a crop with the intent to  
10 destroy, alter, duplicate or obtain unauthorized possession of such crop;

11 (5) Knowingly [obtain] **obtains**, by theft or deception, control over a crop for the  
12 purpose of depriving the rightful owner of such crop, or for the purpose of destroying such crop;  
13 **or**

14 (6) [Enter or remain] **Enters or remains** on land on which a crop is located with the  
15 intent to commit an act prohibited by this section.

16 **3. The offense of prohibited act involving crops is a class A misdemeanor for each**  
17 **such violation unless:**

18 (1) **The loss or damage to the crop is fifty dollars or more, in which case it is a class**  
19 **E felony;**

20 (2) **The loss or damage to the crop is seven hundred fifty dollars or more, in which**  
21 **case it is a class D felony;**

22 (3) **The loss or damage to the crop is one thousand dollars or more, in which case**  
23 **it is a class C felony;**

24 (4) **The loss or damage to the crop is twenty-five thousand dollars or more, in which**  
25 **case it is a class B felony;**

26 (5) **The loss or damage to the crop is seventy-five thousand dollars or more, in**  
27 **which case it is a class A felony.**

28 **4. Any person who has been damaged by a violation of this section shall have a civil**  
29 **cause of action pursuant to section 537.353.**

30 **5. Nothing in this section shall preclude any owner or operator injured in his or her**  
31 **business or in his or her property by a violation of this section from seeking appropriate**  
32 **relief under any other provision of law or remedy including the issuance of an injunction**  
33 **against any person who violates this section. The owner or operator of the business may**  
34 **petition the court to permanently enjoin such persons from violating this section and the**  
35 **court shall provide such relief.**

36 **6. The director of the department of agriculture shall have the authority to**  
37 **investigate any alleged violation of this section, along with any other law enforcement**  
38 **agency, and may take any action within the director's authority necessary for the**  
39 **enforcement of this section. The attorney general, the highway patrol, and other law**  
40 **enforcement officials shall provide assistance required for the investigation.**

41 **7. The director may promulgate rules and regulations necessary for the**  
42 **enforcement of this section. Any rule or portion of a rule, as that term is defined in section**



43 **536.010 that is created under the authority delegated in this section shall become effective**  
44 **only if it complies with and is subject to all of the provisions of chapter 536, and, if**  
45 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**  
46 **the powers vested with the general assembly pursuant to chapter 536, to review, to delay**  
47 **the effective date, or to disapprove and annul a rule are subsequently held**  
48 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
49 **after August 28, 2012, shall be invalid and void.**

[578.210.] **569.135. 1. [A person, without the prior written permission of the owner or**  
2 **if a corporation is the owner, of an officer of the corporation, lessee, or if the cavern is located**  
3 **on public land, the superintendent thereof shall not] Unless a person has the prior written**  
4 **permission of the owner of the cave or cavern, an officer of a cave or cavern, a lessee of the**  
5 **cave or cavern, or a superintendent of the cave or cavern, such person commits the offense**  
6 **of unlawfully entering or defacing a cave or cavern if he or she:**

7 (1) Willfully or knowingly [break, break off, crack, carve upon, write or otherwise mark]  
8 **breaks, breaks off, cracks, carves upon, writes or otherwise marks** upon, or in any manner  
9 [destroy, mutilate, injure, deface, remove, displace, mar or harm] **destroys, mutilates, injures,**  
10 **defaces, removes, displaces, mars, or harms** the surfaces of any cave or any natural material  
11 therein including, without limitation, stalactites, stalagmites, helictites, anthodites, gypsum  
12 flowers, or needles, cave pearls, flowstone, draperies, rimstone, spathites, columns or similar  
13 crystalline mineral formation, including the host rock thereof].

14 2. A person shall not, without the permission required in subsection 1 of this section,  
15 break, force, tamper with, remove or otherwise disturb] ; or

16 (2) **Breaks, forces, tampers with, removes, or otherwise disturbs** a lock, gate, door  
17 or other structure designed to prevent entrance to a cave or cavern. A person violates this  
18 subsection whether or not entrance to the cave or cavern is achieved.

19 2. **No additional appropriations may be made for the enforcement of this section.**

20 3. **The provisions of this section do not apply to vertical or horizontal underground**  
21 **mining operations.**

22 4. **The offense of unlawfully entering or defacing a cave or cavern is a class A**  
23 **misdemeanor.**

[578.215.] **569.137. 1. As used in this section the following terms mean:**

2 (1) **"Cave system", the caves in a given area related to each other hydrologically,**  
3 **whether continuous or discontinuous from a single opening;**

4 (2) **"Sinkhole", a hollow place or depression in the ground in which drainage may**  
5 **collect with an opening therefrom into an underground channel or cave including any**  
6 **subsurface opening that might be bridged by a formation of silt, gravel, humus, or any**  
7 **other material through which percolation into the channel or cave may occur.**

8           **2. A person [shall not] commits the offense of polluting cave or subsurface waters**  
9 **if he or she** purposely [introduce] **introduces** into any cave, cave system, sinkhole or subsurface  
10 waters of the state any substance or structure that will or could violate any provision of the  
11 Missouri clean water law as set forth in chapter [204] **644**, or any water quality standard or  
12 effluent limitation promulgated pursuant thereto.

13           [2.] **3.** The provisions of [subsection 1 of] this section do not apply:

14           **(1)** Where natural subsurface drainage systems including, without limitation, caves, cave  
15 systems, sinkholes, fissures and related openings are used for purposes of storm water drainage,  
16 artificial recharge of aquifers, and irrigation return flow, and where modifications of natural  
17 drainage systems are made for purposes of improving natural drainage relationships; **or**

18           **(2) To vertical or horizontal underground mining operations.**

19           [3.] **4.** No additional appropriations may be made for the enforcement of [sections  
20 578.200 to 578.225] **this section.**

21           **5. The offense of polluting cave or subsurface waters is a class A misdemeanor.**

569.140. 1. A person commits the [crime] **offense** of trespass in the first degree if he  
2 **or she** knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable  
3 structure or upon real property.

4           2. A person does not commit the [crime] **offense** of trespass in the first degree by  
5 entering or remaining upon real property unless the real property is fenced or otherwise enclosed  
6 in a manner designed to exclude intruders or as to which notice against trespass is given by:

7           (1) Actual communication to the actor; or

8           (2) Posting in a manner reasonably likely to come to the attention of intruders.

9           **3. The offense of** trespass in the first degree is a class B misdemeanor.

569.145. In addition to the posting of real property as set forth in section 569.140, the  
2 owner or lessee of any real property may post the property by placing identifying purple marks  
3 on trees or posts around the area to be posted. Each purple mark shall be:

4           (1) A vertical line of at least eight inches in length and the bottom of the mark shall be  
5 no less than three feet nor more than five feet high. Such marks shall be placed no more than one  
6 hundred feet apart and shall be readily visible to any person approaching the property; or

7           (2) A post capped or otherwise marked on at least its top two inches. The bottom of the  
8 cap or mark shall be not less than three feet but not more than five feet six inches high. Posts  
9 so marked shall be placed not more than thirty-six feet apart and shall be readily visible to any  
10 person approaching the property. Prior to applying a cap or mark which is visible from both  
11 sides of a fence shared by different property owners or lessees, all such owners or lessees shall  
12 concur in the decision to post their own property. [Property so posted is to be considered posted  
13 for all purposes, and any unauthorized entry upon the property is trespass in the first degree, and  
14 a class B misdemeanor] **Posting in such a manner shall be found to be reasonably likely to**  
15 **come to the attention of intruders for the purposes of section 569.140.**

569.150. 1. A person commits [the offense of] trespass in the second degree if he **or she** enters unlawfully upon real property of another. This is an offense of absolute liability.

2. Trespass in the second degree is an infraction.

569.155. 1. A person commits the [crime] **offense** of trespass of a school bus if he **or she** knowingly and unlawfully enters any part of or unlawfully operates any school bus.

2. [Trespass of a school bus is a class A misdemeanor.

3.] For the purposes of this section, the terms "unlawfully enters" and "unlawfully operates" refer to any entry or operation of a school bus which is not:

(1) Approved of and established in a school district's written policy on access to school buses; or

(2) Authorized by specific written approval of the school board.

[4.] **3.** In order to preserve the public order, any district which adopts the policies described in subsection [3] **2** of this section shall establish and enforce a student behavior policy for students on school buses.

**4. The offense of trespass of a school bus is a class A misdemeanor.**

569.160. 1. A person commits the [crime] **offense** of burglary in the first degree if he **or she** knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing [a crime] **an offense** therein, and when in effecting entry or while in the building or inhabitable structure or in immediate flight therefrom, [he] **the person** or another participant in the [crime] **offense**:

(1) Is armed with explosives or a deadly weapon or;

(2) Causes or threatens immediate physical injury to any person who is not a participant in the crime; or

(3) There is present in the structure another person who is not a participant in the crime.

**2. The offense of burglary in the first degree is a class B felony.**

569.170. 1. A person commits the [crime] **offense** of burglary in the second degree when he **or she** knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing a crime therein.

**2. The offense of burglary in the second degree is a class [C] D felony.**

569.180. 1. A person commits the [crime] **offense** of possession of burglar's tools if he **or she** possesses any tool, instrument or other article adapted, designed or commonly used for committing or facilitating offenses involving forcible entry into premises, with a purpose to use or knowledge that some person has the purpose of using the same in making an unlawful forcible entry into a building or inhabitable structure or a room thereof.

**2. The offense of possession of burglar's tools is a class [D] E felony.**

570.010. As used in this chapter **the following terms mean:**

2 (1) "Adulterated" [means] , varying from the standard of composition or quality  
3 prescribed by statute or lawfully promulgated administrative regulations of this state lawfully  
4 filed, or if none, as set by commercial usage;

5 (2) "Appropriate" [means] , to take, obtain, use, transfer, conceal [or] , retain [possession  
6 of] **or dispose**;

7 (3) "**Authorization to participate**" or "**ATP card**", a document which is issued by  
8 a state or federal agency to a certified household to show the food stamp allotment the  
9 household is authorized to receive on presentation of the document;

10 (4) "**Cable television service**", includes microwave television transmission from a  
11 multipoint distribution service not capable of reception by conventional television receivers  
12 without the use of special equipment;

13 (5) "**Check**", a check or other similar sight order or any other form of presentment  
14 involving the transmission of account information for the payment of money;

15 (6) "Coercion" [means] , a threat, however communicated:

16 (a) To commit any [crime] **offense**; or

17 (b) To inflict physical injury in the future on the person threatened or another; or

18 (c) To accuse any person of any [crime] **offense**; or

19 (d) To expose any person to hatred, contempt or ridicule; or

20 (e) To harm the credit or business [repute] **reputation** of any person; or

21 (f) To take or withhold action as a public servant, or to cause a public servant to take or  
22 withhold action; or

23 (g) To inflict any other harm which would not benefit the actor. A threat of accusation,  
24 lawsuit or other invocation of official action is **justified and** not coercion if the property sought  
25 to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for  
26 harm done in the circumstances to which the accusation, exposure, lawsuit or other official  
27 action relates, or as compensation for property or lawful service. The defendant shall have the  
28 burden of injecting the issue of justification as to any threat;

29 [(4)] (7) "Credit device" [means] , a writing, **card, code**, number or other device  
30 purporting to evidence an undertaking to pay for property or services delivered or rendered to  
31 or upon the order of a designated person or bearer;

32 [(5)] (8) "Dealer" [means] , a person in the business of buying and selling goods;

33 [(6)] (9) "Debit device" [means] , a **writing**, card, code, number or other device, other  
34 than a check, draft or similar paper instrument, by the use of which a person may initiate an  
35 electronic fund transfer, including but not limited to devices that enable electronic transfers of  
36 benefits to public assistance recipients;

37 [(7)] (10) "**Deceit or deceive**" [means purposely] , making a representation which is false  
38 and which the actor does not believe to be true and upon which the victim relies, as to a matter  
39 of fact, law, value, intention or other state of mind, **or concealing a material fact as to the**

40 **terms of a contract or agreement.** The term "deceit" does not, however, include falsity as to  
41 matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary  
42 persons in the group addressed. Deception as to the actor's intention to perform a promise shall  
43 not be inferred from the fact alone that he did not subsequently perform the promise;

44 **[(8)] (11) "Deprive" [means]:**

45 (a) To withhold property from the owner permanently; or

46 (b) To restore property only upon payment of reward or other compensation; or

47 (c) To use or dispose of property in a manner that makes recovery of the property by the  
48 owner unlikely;

49 **(12) "Financial institution", a bank, trust company, savings and loan association,**  
50 **or credit union;**

51 **(13) "Food stamp coupons" or "food stamp", any coupon, stamp or other type of**  
52 **document used or intended for use in the purchase of food pursuant to the Missouri food**  
53 **stamp program;**

54 **(14) "Forcibly steals", a person, in the course of stealing, uses or threatens the**  
55 **immediate use of physical force upon another person for the purpose of:**

56 (a) Preventing or overcoming resistance to the taking of the property or to the  
57 retention thereof immediately after the taking; or

58 (b) Compelling the owner of such property or another person to deliver up the  
59 property or to engage in other conduct which aids in the commission of the theft;

60 **(15) "Means of identification", anything used by a person as a means to uniquely**  
61 **distinguish himself or herself;**

62 **(16) "Merchant", a person who deals in goods of the kind or otherwise by his or**  
63 **her occupation holds oneself out as having knowledge or skill peculiar to the practices or**  
64 **goods involved in the transaction or to whom such knowledge or skill may be attributed**  
65 **by his or her employment of an agent or broker or other intermediary who by his or her**  
66 **occupation holds oneself out as having such knowledge or skill;**

67 **[(9)] (17) "Mislabeled" [means] , varying from the standard of truth or disclosure in**  
68 **labeling prescribed by statute or lawfully promulgated administrative regulations of this state**  
69 **lawfully filed, or if none, as set by commercial usage; or represented as being another person's**  
70 **product, though otherwise accurately labeled as to quality and quantity;**

71 **[(10)] "New and unused property" means tangible personal property that has never been**  
72 **used since its production or manufacture and is in its original unopened package or container if**  
73 **such property was packaged;**

74 **(11) "Of another" property or services is that "of another" if any natural person,**  
75 **corporation, partnership, association, governmental subdivision or instrumentality, other than**  
76 **the actor, has a possessory or proprietary interest therein, except that property shall not be**

77 deemed property of another who has only a security interest therein, even if legal title is in the  
78 creditor pursuant to a conditional sales contract or other security arrangement;

79 (12)] **(18) "Pharmacy", any building, warehouse, physician's office, hospital,**  
80 **pharmaceutical house or other structure used in whole or in part for the sale, storage, or**  
81 **dispensing of any controlled substance as defined in chapter 195;**

82 **(19) "Property" [means] , anything of value, whether real or personal, tangible or**  
83 **intangible, in possession or in action, and shall include but not be limited to the evidence of a**  
84 **debt actually executed but not delivered or issued as a valid instrument;**

85 [(13) "Receiving" means acquiring possession, control or title or lending on the security  
86 of the property;

87 **(14)] (20) "Public assistance", anything of value, including money, food, ATP cards,**  
88 **food stamp coupons, commodities, clothing, utilities, utilities payments, shelter, drugs and**  
89 **medicine, materials, goods, and any service including institutional care, medical care,**  
90 **dental care, child care, psychiatric and psychological service, rehabilitation instruction,**  
91 **training, or counseling, received by or paid on behalf of any person under chapters 198,**  
92 **205, 207, 208, 209, and 660, or benefits, programs, and services provided or administered**  
93 **by the Missouri department of social services or any of its divisions;**

94 **(21) "Services" includes transportation, telephone, electricity, gas, water, or other public**  
95 **service, cable television service, accommodation in hotels, restaurants or elsewhere, admission**  
96 **to exhibitions and use of vehicles;**

97 **(22) "Stealing-related offense", federal and state violations of criminal statutes**  
98 **against stealing, robbery, or buying or receiving stolen property and shall also include**  
99 **municipal ordinances against the same if the offender was either represented by counsel**  
100 **or knowingly waived counsel in writing and the judge accepting the plea or making the**  
101 **findings was a licensed attorney at the time of the court proceedings;**

102 [(15)] **(23) "Writing" includes printing, any other method of recording information,**  
103 **money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and**  
104 **any other symbols of value, right, privilege or identification.**

570.020. For the purposes of this chapter, the value of property shall be ascertained as  
2 follows:

3 (1) Except as otherwise specified in this section, "value" means the market value of the  
4 property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the  
5 cost of replacement of the property within a reasonable time after the crime. If the victim is a  
6 merchant, [as defined in section 400.2-104,] and the property is a type that the merchant sells in  
7 the ordinary course of business, then the property shall be valued at the price that such merchant  
8 would normally sell such property;

9 (2) Whether or not they have been issued or delivered, certain written instruments, not  
10 including those having a readily ascertainable market value such as some public and corporate  
11 bonds and securities, shall be evaluated as follows:

12 (a) The value of an instrument constituting evidence of debt, such as a check, draft or  
13 promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure  
14 ordinarily being the face amount of the indebtedness less any portion thereof which has been  
15 satisfied;

16 (b) The value of any other instrument which creates, releases, discharges or otherwise  
17 affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of  
18 economic loss which the owner of the instrument might reasonably suffer by virtue of the loss  
19 of the instrument;

20 (3) When the value of property cannot be satisfactorily ascertained pursuant to the  
21 standards set forth in subdivisions (1) and (2) of this section, its value shall be deemed to be an  
22 amount less than [five] **seven hundred fifty** dollars.

[569.020.] **570.023.** 1. A person commits the [crime] **offense** of robbery in the first  
2 degree [when] **if he or she** forcibly steals property and in the course thereof he **or she**, or another  
3 participant in the [crime,] **offense:**

4 (1) Causes serious physical injury to any person; or

5 (2) Is armed with a deadly weapon; or

6 (3) Uses or threatens the immediate use of a dangerous instrument against any person;

7 or

8 (4) Displays or threatens the use of what appears to be a deadly weapon or dangerous  
9 instrument; **or**

10 **(5) Steals any controlled substance from a pharmacy.**

11 2. **The offense of** robbery in the first degree is a class A felony.

[569.030.] **570.025.** 1. A person commits the [crime] **offense** of robbery in the second  
2 degree [when] **if he or she** forcibly steals property **and in the course thereof causes physical**  
3 **injury to another person.**

4 2. **The offense of** robbery in the second degree is a class [B] **C** felony.

570.030. 1. A person commits the [crime] **offense** of stealing if he or she:

2 **(1)** Appropriates property or services of another with the purpose to deprive him or her  
3 thereof, either without his or her consent or by means of deceit or coercion; **or**

4 **(2)** Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with  
5 the purpose to deprive him or her thereof, either without his or her consent or by means  
6 of deceit or coercion; **or**

7 **(3)** For the purpose of depriving the owner of a lawful interest therein, receives,  
8 retains or disposes of property of another knowing that it has been stolen, or believing that  
9 it has been stolen.

10           2. [Evidence of the following is admissible in any criminal prosecution pursuant to this  
11 section on the issue of the requisite knowledge or belief of the alleged stealer:

12           (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,  
13 inn or boardinghouse;

14           (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or  
15 boardinghouse a check or negotiable paper on which payment was refused;

16           (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not  
17 pay for property or services;

18           (4) That he or she surreptitiously removed or attempted to remove his or her baggage  
19 from a hotel, inn or boardinghouse;

20           (5) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters,  
21 transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal  
22 price code label, or possesses with intent to cheat or defraud, the device that manufactures  
23 fraudulent receipts or universal price code labels.

24           3. Notwithstanding any other provision of law, any offense in which the value of  
25 property or services is an element is a class C felony if:

26           (1) The value of the property or services appropriated is five hundred dollars or more but  
27 less than twenty-five thousand dollars; or

28           (2) The actor physically takes the property appropriated from the person of the victim;  
29 or

30           (3) The property appropriated consists of:

31           (a) Any motor vehicle, watercraft or aircraft; or

32           (b) Any will or unrecorded deed affecting real property; or

33           (c) Any credit card or letter of credit; or

34           (d) Any firearms; or

35           (e) Any explosive weapon as defined in section 571.010; or

36           (f) A United States national flag designed, intended and used for display on buildings  
37 or stationary flagstaffs in the open; or

38           (g) Any original copy of an act, bill or resolution, introduced or acted upon by the  
39 legislature of the state of Missouri; or

40           (h) Any pleading, notice, judgment or any other record or entry of any court of this state,  
41 any other state or of the United States; or

42           (i) Any book of registration or list of voters required by chapter 115; or

43           (j) Any animal considered livestock as that term is defined in section 144.010; or

44           (k) Live fish raised for commercial sale with a value of seventy-five dollars; or

45           (l) Captive wildlife held under permit issued by the conservation commission; or

46           (m) Any controlled substance as defined by section 195.010; or

47           (n) Anhydrous ammonia;



48 (o) Ammonium nitrate; or

49 (p) Any document of historical significance which has fair market value of five hundred  
50 dollars or more.

51 4. If an actor appropriates any material with a value less than five hundred dollars in  
52 violation of this section with the intent to use such material to manufacture, compound, produce,  
53 prepare, test or analyze amphetamine or methamphetamine or any of their analogues, then such  
54 violation is a class C felony. The theft of any amount of anhydrous ammonia or liquid nitrogen,  
55 or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen, is a class B felony.  
56 The theft of any amount of anhydrous ammonia by appropriation of a tank truck, tank trailer, rail  
57 tank car, bulk storage tank, field (nurse) tank or field applicator is a class A felony.

58 5. The theft of any item of property or services pursuant to subsection 3 of this section  
59 which exceeds five hundred dollars may be considered a separate felony and may be charged in  
60 separate counts.

61 6. Any person with a prior conviction of paragraph (j) or (l) of subdivision (3) of  
62 subsection 3 of this section and who violates the provisions of paragraph (j) or (l) of subdivision  
63 (3) of subsection 3 of this section when the value of the animal or animals stolen exceeds three  
64 thousand dollars is guilty of a class B felony. Notwithstanding any provision of law to the  
65 contrary, such person shall serve a minimum prison term of not less than eighty percent of his  
66 or her sentence before he or she is eligible for probation, parole, conditional release, or other  
67 early release by the department of corrections.

68 7. Any offense in which the value of property or services is an element is a class B felony  
69 if the value of the property or services equals or exceeds twenty-five thousand dollars.

70 8. Any violation of this section for which no other penalty is specified in this section is  
71 a class A misdemeanor.] **The offense of stealing is a class A felony if the property**  
72 **appropriated consists of any of the following containing any amount of anhydrous**  
73 **ammonia: a tank truck, tank trailer, rail tank car, bulk storage tank, field nurse, field**  
74 **tank or field applicator.**

75 **3. The offense of stealing is a class B felony if:**

76 **(1) The property appropriated or attempted to be appropriated consists of any**  
77 **amount of anhydrous ammonia or liquid nitrogen; or**

78 **(2) A person has been found guilty of violating this section, when the property is**  
79 **of the kind described under paragraph (j) or (l) of subdivision (3) of subsection 5 of this**  
80 **section and the value of the animal or animals stolen exceeds three thousand dollars and**  
81 **that person has previously been found guilty of stealing property of the kind described**  
82 **under paragraph (j) or (l) of subdivision (3) of subsection 5 of this section.**  
83 **Notwithstanding any provision of law to the contrary, such person shall serve a minimum**  
84 **prison term of not less than eighty percent of his or her sentence before he or she is eligible**

85 for probation, parole, conditional release, or other early release by the department of  
86 corrections;

87 (3) A person appropriates property consisting of a motor vehicle, watercraft or  
88 aircraft, and that person has previously pleaded guilty to or been found guilty of two  
89 stealing-related offenses committed on two separate occasions where such offenses  
90 occurred within ten years of the date of occurrence of the present offense.

91 4. The offense of stealing is a class C felony if the value of the property or services  
92 appropriated is twenty-five thousand dollars or more.

93 5. The offense of stealing is a class D felony if:

94 (1) The value of the property or services appropriated is seven hundred fifty dollars  
95 or more; or

96 (2) The offender physically takes the property appropriated from the person of the  
97 victim; or

98 (3) The property appropriated consists of:

99 (a) Any motor vehicle, watercraft or aircraft; or

100 (b) Any will or unrecorded deed affecting real property; or

101 (c) Any credit device, debit device or letter of credit; or

102 (d) Any firearms; or

103 (e) Any explosive weapon as defined in section 571.010; or

104 (f) Any United States national flag designed, intended and used for display on  
105 buildings or stationary flagstaffs in the open; or

106 (g) Any original copy of an act, bill or resolution, introduced or acted upon by the  
107 legislature of the state of Missouri; or

108 (h) Any pleading, notice, judgment or any other record or entry of any court of this  
109 state, any other state or of the United States; or

110 (i) Any book of registration or list of voters required by chapter 115; or

111 (j) Any animal considered livestock as that term is defined in section 144.010; or

112 (k) Any live fish raised for commercial sale with a value of seventy-five dollars or  
113 more; or

114 (l) Any captive wildlife held under permit issued by the conservation commission;  
115 or

116 (m) Any controlled substance as defined by section 195.010; or

117 (n) Ammonium nitrate; or

118 (o) Any wire, electrical transformer, metallic wire associated with transmitting  
119 telecommunications, or any other device or pipe that is associated with conducting  
120 electricity or transporting natural gas or other combustible fuels; or

(p) Any material appropriated with the intent to use such material to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues.

6. The offense of stealing is a class E felony if:

(1) The property appropriated is an animal; or

(2) A person has been previously found guilty of three stealing-related offenses committed on three separate occasions where such offenses occurred within ten years of the date of occurrence of the present offense, and the person received a sentence of ten days or more on such previous offenses.

7. The offense of stealing is a class D misdemeanor if the property is not of a type listed in subsection 2, 3, 5, or 6 of this section and the property appropriated has a value of less than one hundred fifty dollars and the person has no previous findings of guilt for a stealing-related offense.

8. The offense of stealing is a class A misdemeanor if not other penalty is specified in this section.

9. If a violation of this section is subject to enhanced punishment based on prior findings of guilt, such findings of guilt shall be pleaded and proven in the same manner as required by section 558.021.

10. The appropriation of any property or services of a type listed in subsection 2, 3, 5, or 6 or of a value of seven hundred fifty dollars or more may be considered a separate felony and may be charged in separate counts.

11. The value of property or services appropriated pursuant to one scheme or course of conduct, whether from the same or several owners and whether at the same or different times, constitute a single criminal episode and may be aggregated in determining the grade of the offense, except as set forth in subsection 10 of this section.

**570.039.** A person who appropriates cable television service shall not be deemed to have stolen that service within the meaning of section 570.030, if a cable television company either:

(1) Provides unsolicited cable television service; or

(2) Fails to change or disconnect cable television service within ten days after receiving written notice to do so by the customer. The customer may deem such service to be a gift without any obligation to the cable television company from ten days after such written notice is received until the service is changed or disconnected.

[578.075.] **570.053.** 1. A person [who] commits the offense of feigned blindness if he or she simulates blindness or pretends to be a blind person with the purpose of obtaining something of value from another person by deceit [commits the offense of feigned blindness].

2. The offense of feigned blindness is a class A misdemeanor.

[578.150.] **570.057.** 1. A person commits the [crime] **offense** of stealing leased or rented property if, with the intent to deprive the owner thereof, such person:

(1) Purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property;

(2) Conceals or aids or abets the concealment of the property from the owner;

(3) Sells, encumbers, conveys, pawns, loans, abandons or gives away the leased or rented property or any part thereof, without the written consent of the lessor, or without informing the person to whom the property is transferred to that the property is subject to a lease;

(4) Returns the property to the lessor at the end of the lease term, plus any agreed upon extensions, but does not pay the lease charges agreed upon in the written instrument, with the intent to wrongfully deprive the lessor of the agreed upon charges.

2. The provisions of this section shall apply to all forms of leasing and rental agreements, including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

3. Evidence that a lessee used a false, fictitious, or not current name, address, or place of employment in obtaining the property or that a lessee fails or refuses to return the property or pay the lease charges to the lessor within seven days after written demand for the return has been sent by certified mail, return receipt requested, to the address the person set forth in the lease agreement, or in the absence of the address, to the person's last known place of residence, shall be evidence of intent to violate the provisions of this section, except that if a motor vehicle has not been returned within seventy-two hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the crime of stealing leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate state and local computer system listing stolen motor vehicles. Any law enforcement officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the seven-day period prescribed in this subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five days notify the person who leased or rented the property that such person is in

39 violation of this section, and that failure to immediately return the property may subject such  
40 person to arrest for the violation.

41 4. This section shall not apply if such personal property is a vehicle and such return is  
42 made more difficult or expensive by a defect in such vehicle which renders such vehicle  
43 inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect  
44 before the expiration of the lease or rental agreement, or within ten days after proper notice.

45 5. Any person who has leased or rented personal property of another who destroys such  
46 property so as to avoid returning it to the owner [shall be guilty] **commits the offense** of property  
47 damage pursuant to section 569.100 or 569.120, in addition to being in violation of this section.

48 6. Venue shall lie in the county where the personal property was originally rented or  
49 leased.

50 7. **The offense of** stealing leased or rented property is a class A misdemeanor unless the  
51 property involved has a value of [one thousand] **seven hundred fifty** dollars or more, in which  
52 case stealing leased or rented property is a class [C] **D** felony.

570.070. 1. A person does not commit an offense under section 570.030 if, at the time  
2 of the appropriation, he **or she**:

3 (1) Acted in the honest belief that he had the right to do so; or

4 (2) Acted in the honest belief that the owner, if present, would have consented to the  
5 appropriation.

6 2. The defendant shall have the burden of injecting the issue of claim of right.

570.085. 1. A person commits the [crime] **offense** of alteration or removal of item  
2 numbers if he **or she**, with the purpose of depriving the owner of a lawful interest therein:

3 (1) Destroys, removes, covers, conceals, alters, defaces, or causes to be destroyed,  
4 removed, covered, concealed, altered, or defaced, the manufacturer's original serial number or  
5 other distinguishing owner-applied number or mark, on any item which bears a serial number  
6 attached by the manufacturer or distinguishing number or mark applied by the owner of the item,  
7 for any reason whatsoever;

8 (2) Sells, offers for sale, pawns or uses as security for a loan, any item on which the  
9 manufacturer's original serial number or other distinguishing owner-applied number or mark has  
10 been destroyed, removed, covered, concealed, altered, or defaced; or

11 (3) Buys, receives as security for a loan or in pawn, or in any manner receives or has in  
12 his possession any item on which the manufacturer's original serial number or other  
13 distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed,  
14 altered, or defaced.

15 2. **The offense of** alteration or removal of item numbers is a class [D] **E** felony if the  
16 value of the item or items in the aggregate is [five] **seven hundred fifty** dollars or more[. If the  
17 value of the item or items in the aggregate is less than five hundred dollars, then] ; **otherwise** it  
18 is a class B misdemeanor.

570.090. 1. A person commits the [crime] **offense** of forgery if, with the purpose to defraud, the person:

(1) Makes, completes, alters or authenticates any writing so that it purports to have been made by another or at another time or place or in a numbered sequence other than was in fact the case or with different terms or by authority of one who did not give such authority; or

(2) Erases, obliterates or destroys any writing; or

(3) Makes or alters anything other than a writing, including receipts and universal product codes, so that it purports to have a genuineness, antiquity, rarity, ownership or authorship which it does not possess; or

(4) Uses as genuine, or possesses for the purpose of using as genuine, or transfers with the knowledge or belief that it will be used as genuine, any writing or other thing including receipts and universal product codes, which the [actor] **person** knows has been made or altered in the manner described in this section.

2. **The offense of** forgery is a class [C] **D** felony.

570.100. 1. A person commits the [crime] **offense** of possession of a forging instrumentality if, with the purpose of committing forgery, he **or she** makes, causes to be made or possesses any plate, mold, instrument or device for making or altering any writing or anything other than a writing.

2. **The offense of** possession of a forging instrumentality is a class [C] **D** felony.

570.103. 1. As used in this section and section 570.105, the following words mean:

(1) "Counterfeit mark", any unauthorized reproduction or copy of intellectual property or intellectual property affixed to any item knowingly sold, offered for sale, manufactured, or distributed, or identifying services offered or rendered, without the authority of the owner of the intellectual property;

(2) "Intellectual property", any trademark, service mark, trade name, label, term, device, design, or word adopted or used by a person to identify such person's goods or services;

(3) "Retail value", the counterfeiter's regular selling price for the item or service bearing or identified by the counterfeit mark. In the case of items bearing a counterfeit mark which are components of a finished product, the retail value shall be the counterfeiter's regular selling price of the finished product on or in which the component would be utilized.

2. [Any] **A** person [who] **commits the offense of counterfeiting if he or she** willfully manufactures, uses, displays, advertises, distributes, offers for sale, sells, or possesses [with intent to sell or distribute] **for the purpose of selling or distributing** any item, or services, bearing or identified by a counterfeit mark[, shall be guilty of the crime of counterfeiting]. A person having possession, custody or control of more than twenty-five items bearing a counterfeit mark shall be presumed to possess said items [with intent to sell or distribute] **for the purpose of selling or distributing**.

19           3. **The offense of** counterfeiting [shall be] **is** a class A misdemeanor, except as provided  
20 in subsections 4 and 5 of this section.

21           4. **The offense of** counterfeiting [shall be] **is** a class [D] **E** felony if:

22           (1) The defendant has previously been convicted under this section; or

23           (2) The violation involves more than one hundred but fewer than one thousand items  
24 bearing a counterfeit mark or the total retail value of all items bearing, or services identified by,  
25 a counterfeit mark is **seven hundred fifty dollars or** more [than one thousand dollars, but less  
26 than ten thousand dollars].

27           5. **The offense of** counterfeiting [shall be] **is** a class [C] **D** felony if:

28           (1) The defendant has been previously convicted of two or more offenses under this  
29 section;

30           (2) The violation involves the manufacture or production of items bearing counterfeit  
31 marks; or

32           (3) The violation involves one thousand or more items bearing a counterfeit mark or the  
33 total retail value of all items bearing, or services identified by, a counterfeit mark is **twenty-five**  
34 **thousand dollars or** more [than ten thousand dollars].

35           6. For purposes of this section, the quantity or retail value of items or services shall  
36 include the aggregate quantity or retail value of all items bearing, or services identified by, every  
37 counterfeit mark the defendant manufactures, uses, displays, advertises, distributes, offers for  
38 sale, sells or possesses.

39           7. [Any person convicted of counterfeiting shall be fined an amount up to three times the  
40 retail value of the items bearing, or services identified by, a counterfeit mark, unless extenuating  
41 circumstances are shown by the defendant.

42           8.] The remedies provided for herein shall be cumulative to the other civil remedies  
43 provided by law.

44           [9.] **8.** Any state or federal certificate of registration of any intellectual property shall be  
45 prima facie evidence of the facts stated therein.

570.110. 1. A person commits the [crime] **offense** of issuing a false instrument or  
2 certificate when, being authorized by law to take proof or acknowledgment of any instrument  
3 which by law may be recorded, or being authorized by law to make or issue official certificates  
4 or other official written instruments, **he or she** issues such an instrument or certificate, or makes  
5 the same with the purpose that it be issued, knowing:

6           (1) That it contains a false statement or false information; or

7           (2) That it is wholly or partly blank.

8           2. **The offense of** issuing a false instrument or certificate is a class A misdemeanor.

570.120. 1. A person commits the [crime] **offense** of passing a bad check when **he or**  
2 **she**:

3 (1) With ~~the~~ purpose to defraud, [the person] makes, issues or passes a check or other  
4 similar sight order or any other form of presentment involving the transmission of account  
5 information for the payment of money, knowing that it will not be paid by the drawee, or that  
6 there is no such drawee; or

7 (2) [The person] Makes, issues, or passes a check or other similar sight order or any other  
8 form of presentment involving the transmission of account information for the payment of  
9 money, knowing that there are insufficient funds in or on deposit with that account for the  
10 payment of such check, sight order, or other form of presentment involving the transmission of  
11 account information in full and all other checks, sight orders, or other forms of presentment  
12 involving the transmission of account information upon such funds then outstanding, or that  
13 there is no such account or no drawee and fails to pay the check or sight order or other form of  
14 presentment involving the transmission of account information within ten days after receiving  
15 actual notice in writing that it has not been paid because of insufficient funds or credit with the  
16 drawee or because there is no such drawee.

17 2. As used in subdivision (2) of subsection 1 of this section, "actual notice in writing"  
18 means notice of the nonpayment which is actually received by the defendant. Such notice may  
19 include the service of summons or warrant upon the defendant for the initiation of the  
20 prosecution of the check or checks which are the subject matter of the prosecution if the  
21 summons or warrant contains information of the ten-day period during which the instrument may  
22 be paid and that payment of the instrument within such ten-day period will result in dismissal  
23 of the charges. The requirement of notice shall also be satisfied for written communications  
24 which are tendered to the defendant and which the defendant refuses to accept.

25 3. The face amounts of any bad checks passed pursuant to one course of conduct within  
26 any ten-day period may be aggregated in determining the grade of the offense.

27 4. **The offense of** passing bad checks is a class A misdemeanor, unless:

28 (1) The face amount of the check or sight order or the aggregated amounts is [five] **seven**  
29 hundred **fifty** dollars or more; or

30 (2) The issuer had no account with the drawee or if there was no such drawee at the time  
31 the check or order was issued,

32  
33 in which [cases] **case** passing a bad [checks] **check** is a class [C] **E** felony.

34 5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney  
35 or circuit attorney who takes any action pursuant to the provisions of this section shall collect  
36 from the issuer in such action an administrative handling cost. The cost shall be twenty-five  
37 dollars for checks of less than one hundred dollars, and fifty dollars for checks of one hundred  
38 dollars but less than two hundred fifty dollars. For checks of two hundred fifty dollars or more  
39 an additional fee of ten percent of the face amount shall be assessed, with a maximum fee for  
40 administrative handling costs not to exceed seventy-five dollars total. Notwithstanding the



41 provisions of sections 50.525 to 50.745, the costs provided for in this subsection shall be  
42 deposited by the county treasurer into a separate interest-bearing fund to be expended by the  
43 prosecuting attorney or circuit attorney. The funds shall be expended, upon warrants issued by  
44 the prosecuting attorney or circuit attorney directing the treasurer to issue checks thereon, only  
45 for purposes related to that previously authorized in this section. Any revenues that are not  
46 required for the purposes of this section may be placed in the general revenue fund of the county  
47 or city not within a county. Notwithstanding any law to the contrary, in addition to the  
48 administrative handling cost, the prosecuting attorney or circuit attorney shall collect an  
49 additional cost of five dollars per check for deposit to the Missouri office of prosecution services  
50 fund established in subsection 2 of section 56.765. All moneys collected pursuant to this section  
51 which are payable to the Missouri office of prosecution services fund shall be transmitted at least  
52 monthly by the county treasurer to the director of revenue who shall deposit the amount collected  
53 pursuant to the credit of the Missouri office of prosecution services fund under the procedure  
54 established pursuant to subsection 2 of section 56.765.

55 (2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney  
56 for office supplies, postage, books, training, office equipment, capital outlay, expenses of trial  
57 and witness preparation, additional employees for the staff of the prosecuting or circuit attorney,  
58 employees' salaries, and for other lawful expenses incurred by the circuit or prosecuting attorney  
59 in operation of that office.

60 (3) This fund may be audited by the state auditor's office or the appropriate auditing  
61 agency.

62 (4) If the moneys collected and deposited into this fund are not totally expended  
63 annually, then the unexpended balance shall remain in said fund and the balance shall be kept  
64 in said fund to accumulate from year to year.

65 6. Notwithstanding any other provision of law to the contrary:

66 (1) In addition to the administrative handling costs provided for in subsection 5 of this  
67 section, the prosecuting attorney or circuit attorney may collect from the issuer, in addition to the  
68 face amount of the check, a reasonable service charge, which along with the face amount of the  
69 check, shall be turned over to the party to whom the bad check was issued;

70 (2) If a check that is dishonored or returned unpaid by a financial institution is not  
71 referred to the prosecuting attorney or circuit attorney for any action pursuant to the provisions  
72 of this section, the party to whom the check was issued, or his or her agent or assignee, or a  
73 holder, may collect from the issuer, in addition to the face amount of the check, a reasonable  
74 service charge, not to exceed twenty-five dollars, plus an amount equal to the actual charge by  
75 the depository institution for the return of each unpaid or dishonored instrument.

76 7. When any financial institution returns a dishonored check to the person who deposited  
77 such check, it shall be in substantially the same physical condition as when deposited, or in such

78 condition as to provide the person who deposited the check the information required to identify  
79 the person who wrote the check.

570.125. 1. A person commits the [crime] **offense** of ["]fraudulently stopping payment  
2 of an instrument["] if he **or she**, [knowingly,] with the purpose to defraud, stops payment on a  
3 check [or] , draft [given] , **or debit device used** in payment for the receipt of goods or services.

4 2. **The offense of** fraudulently stopping payment of an instrument is a class A  
5 misdemeanor, unless the face amount of the check or draft is [five] **seven** hundred **fifty** dollars  
6 or more or, if the stopping of payment of more than one check or draft is involved in the same  
7 course of conduct, the aggregate amount is [five] **seven** hundred **fifty** dollars or more, in which  
8 case the offense is a class [D] **E** felony.

9 3. It shall be prima facie evidence of a violation of this section if a person stops payment  
10 on a check [or] , draft, **or debit device** and fails to make good the check [or] , draft, **or debit**  
11 **device transaction, or fails to** return or make and comply with reasonable arrangements to  
12 return the property for which the check [or] , draft, **or debit device** was [given] **used** in the same  
13 or substantially the same condition as when received within ten days after notice in writing from  
14 the payee that the check [or] , draft, **or debit device transaction** has not been paid because of  
15 a stop payment order by the issuer to the drawee.

16 4. "Notice in writing" means notice deposited as certified or registered mail in the United  
17 States mail and addressed to the issuer at his address as it appears on the dishonored check [or]  
18 , draft, **or debit device transaction** or to his last known address. The notice shall contain a  
19 statement that failure to make good the check[or] , draft, **or debit device transaction** within ten  
20 days of receipt of the notice may subject the issuer to criminal prosecution.

570.130. 1. A person commits the [crime] **offense** of fraudulent use of a credit device  
2 or debit device if [the person] **he or she** uses a credit device or debit device for the purpose of  
3 obtaining services or property, knowing that:

4 (1) The device is stolen, fictitious or forged; or

5 (2) The device has been revoked or canceled; or

6 (3) For any other reason his **or her** use of the device is unauthorized; or

7 (4) Uses a credit device or debit device for the purpose of paying property taxes and  
8 knowingly cancels [said] **such** charges or payment without just cause. It shall be prima facie  
9 evidence of a violation of this section if a person cancels [said] **such** charges or payment after  
10 obtaining a property tax receipt to obtain license tags from the Missouri department of revenue.

11 2. **The offense of** fraudulent use of a credit device or debit device is a class A  
12 misdemeanor unless the value of the property tax or the value of the property or services  
13 obtained or sought to be obtained within any thirty-day period is [five] **seven** hundred **fifty**  
14 dollars or more, in which case fraudulent use of a credit device or debit device is a class [D] **E**  
15 felony.

570.135. 1. [No person shall] **A person commits the offense of fraudulent procurement of a credit or debit device if he or she:**

(1) Knowingly make or cause to be made, directly or indirectly, a false statement regarding another person for the purpose of fraudulently procuring the issuance of a credit [card] or debit [card].

2. No person shall willfully obtains personal identifying information] **device; or**

(2) **Knowingly obtains a means of identification** of another person without the authorization of that person and [use] **uses** that [information] **means of identification** fraudulently to obtain, or attempt to obtain, credit, goods or services in the name of the other person without the consent of that person.

[3. Any person who violates the provisions of subsection 1 or 2 of this section is guilty of a]

**2. The offense of fraudulent procurement of a credit or debit device is class A misdemeanor.**

[4. As used in this section, "personal identifying information" means the name, address, telephone number, driver's license number, Social Security number, place of employment, employee identification number, mother's maiden name, demand deposit account number, savings account number or credit card number of a person.

5.] **3.** Notwithstanding [subsections 1 to 4 of] **any other provision of** this section, no corporation, proprietorship, partnership, limited liability company, limited liability partnership or other business entity shall be liable under this section for accepting applications for credit [cards] or debit [cards] **devices** or for the **use of a** credit [cards] or debit [cards] **device** in any [credit or debit] transaction, absent clear and convincing evidence that such business entity conspired with or was a part of the fraudulent procuring of the issuance of a credit [card] or debit [card] **device.**

570.140. 1. A person commits the [crime] **offense** of deceptive business practice if in the course of engaging in a business, occupation or profession, he **or she** recklessly:

(1) Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or

(2) Sells, offers [or exposes], **displays** for sale, or delivers less than the represented quantity of any commodity or service; or

(3) Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he **or she** furnishes the weight or measure; or

(4) Sells, offers, or exposes for sale adulterated or mislabeled commodities; or

(5) Makes a false or misleading written statement for the purpose of obtaining property or credit; **or**

(6) **Promotes the sale of property or services by a false or misleading statement in any advertisement; or**

14           **(7) Advertises in any manner the sale of property or services with the purpose not**  
15 **to sell or provide the property or services:**

16           **(a) At the price which he or she offered them; or**

17           **(b) In a quantity sufficient to meet the reasonably expected public demand, unless**  
18 **the quantity is specifically stated in the advertisement; or**

19           **(c) At all.**

20           **2. The offense of** deceptive business practice is a class A misdemeanor.

          570.145. 1. A person commits the [crime] **offense** of financial exploitation of an elderly  
2 or disabled person if [such person] **he or she** knowingly [and by deception, intimidation, or  
3 force] obtains control over the elderly or disabled person's property with the intent to  
4 permanently deprive the elderly or disabled person of the use, benefit or possession of his or her  
5 property thereby benefitting [such person] **the offender** or detrimentally affecting the elderly or  
6 disabled person]. Financial exploitation of an elderly or disabled person is a class A  
7 misdemeanor if the value of the property is less than fifty dollars, a class D felony if the value  
8 of the property is fifty dollars but less than five hundred dollars, a class C felony if the value of  
9 the property is five hundred dollars but less than one thousand dollars, a class B felony if the  
10 value of the property is one thousand dollars but less than fifty thousand dollars, and a class A  
11 felony if the value of the property is fifty thousand dollars or more.

12           **2.** For purposes of this section, the following terms mean:

13           **(1) "Deception",** a misrepresentation or concealment of material fact relating to the terms  
14 of a contract or agreement entered into with the elderly or disabled person or to the existing or  
15 preexisting condition of any of the property involved in such contract or agreement, or the use  
16 or employment of any misrepresentation, false pretense or false promise in order to induce,  
17 encourage or solicit the elderly or disabled person to enter into a contract or agreement.  
18 Deception includes:

19           **(a)** Creating or confirming another person's impression which is false and which the  
20 offender does not believe to be true; or

21           **(b)** Failure to correct a false impression which the offender previously has created or  
22 confirmed; or

23           **(c)** Preventing another person from acquiring information pertinent to the disposition of  
24 the property involved; or

25           **(d)** Selling or otherwise transferring or encumbering property, failing to disclose a lien,  
26 adverse claim or other legal impediment to the enjoyment of the property, whether such  
27 impediment is or is not valid, or is or is not a matter of official record; or

28           **(e)** Promising performance which the offender does not intend to perform or knows will  
29 not be performed. Failure to perform standing alone is not sufficient evidence to prove that the  
30 offender did not intend to perform;

31 (2) "Disabled person", a person with a mental, physical, or developmental disability that  
32 substantially impairs the person's ability to provide adequately for the person's care or protection;

33 (3) "Elderly person", a person sixty years of age or older;

34 (4) "Intimidation", a threat of physical or emotional harm to an elderly or disabled  
35 person, or the communication to an elderly or disabled person that he or she will be deprived of  
36 food and nutrition, shelter, prescribed medication, or medical care and treatment] by:

37 (1) Deceit;

38 (2) Coercion;

39 (3) Creating or confirming another person's impression which is false and which  
40 the offender does not believe to be true; or

41 (4) Failure to correct a false impression which the offender previously has created  
42 or confirmed; or

43 (5) Preventing another person from acquiring information pertinent to the  
44 disposition of the property involved; or

45 (6) Selling or otherwise transferring or encumbering property, failing to disclose  
46 a lien, adverse claim or other legal impediment to the enjoyment of the property, whether  
47 such impediment is or is not valid, or is or is not a matter of official record; or

48 (7) Promising performance which the offender does not intend to perform or knows  
49 will not be performed. Failure to perform standing alone is not sufficient evidence to prove  
50 that the offender did not intend to perform.

51 2. The offense of financial exploitation of an elderly or disabled person is a class A  
52 misdemeanor unless:

53 (1) The value of the property is fifty dollars or more, in which case it is a class E  
54 felony;

55 (2) The value of the property is seven hundred fifty dollars or more, in which case  
56 it is a class D felony;

57 (3) The value of the property is five thousand dollars or more, in which case it is  
58 a class C felony;

59 (4) The value of the property is twenty-five thousand dollars or more, in which case  
60 it is a class B felony;

61 (5) The value of the property is seventy-five thousand dollars or more, in which  
62 case it is a class A felony.

63 3. Nothing in this section shall be construed to limit the remedies available to the victim  
64 pursuant to any state law relating to domestic violence.

65 4. Nothing in this section shall be construed to impose criminal liability on a person who  
66 has made a good faith effort to assist the elderly or disabled person in the management of his or  
67 her property, but through no fault of his or her own has been unable to provide such assistance.

68           5. Nothing in this section shall limit the ability to engage in bona fide estate planning,  
69 to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that  
70 such actions do not adversely impact the standard of living to which the elderly or disabled  
71 person has become accustomed at the time of such actions.

72           6. It shall not be a defense to financial exploitation of an elderly or disabled person that  
73 the accused reasonably believed that the victim was not an elderly or disabled person.

570.150. 1. A person commits the [crime] **offense** of commercial bribery **if he or she**:

2           (1) [If he] Solicits, accepts or agrees to accept any benefit as consideration for knowingly  
3 violating or agreeing to violate a duty of fidelity [to] , which he **or she** is subject to as:

4           (a) **An** agent or employee of another;

5           (b) **A** trustee, guardian or other fiduciary;

6           (c) **A** lawyer, physician, accountant, appraiser or other professional adviser or informant;

7           (d) **An** officer, director, partner, manager or other participant in the direction of the  
8 affairs of an incorporated or unincorporated association; or

9           (e) **An** arbitrator or other purportedly disinterested adjudicator or referee;

10          (2) [If] As a person who holds himself **or herself** out to the public as being engaged in  
11 the business of making disinterested selection, appraisal or criticism of commodities or services,  
12 [he] solicits, accepts or agrees to accept any benefit to influence his **or her** selection, appraisal  
13 or criticism;

14          (3) [If he] Confers or offers or agrees to confer any benefit the acceptance of which  
15 would be criminal under subdivisions (1) and (2) of this section.

16          2. **The offense of** commercial bribery is a class A misdemeanor.

570.180. 1. A person commits the [crime] **offense** of defrauding secured creditors if he  
2 **or she** destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject  
3 to a security interest with purpose to defraud the holder of the security interest.

4          2. **The offense of** defrauding secured creditors is a class A misdemeanor unless the  
5 amount remaining to be paid on the secured debt, including interest, is [five] **seven** hundred **fifty**  
6 dollars or more, in which case defrauding secured creditors is a class [D] **E** felony.

570.217. 1. A person commits the [crime] **offense** of misapplication of funds of a  
2 financial institution if, being an officer, director, agent, or employee of, or connected in any  
3 capacity with, any [bank, trust company, savings and loan association, or credit union] **financial**  
4 **institution**, he **or she** embezzles, [abstracts, purloins] **appropriates**, or [willfully] **purposely**  
5 misapplies any of the money, funds, or credits of such **financial** institution or any moneys, funds,  
6 assets, or securities entrusted to the custody or care of such **financial** institution, or to the  
7 custody or care of any such agent, officer, director, employee, or receiver.

8          2. **The offense of** misapplication of funds of a financial institution is a class [C] **E**  
9 felony, [but if] **unless** the amount embezzled, [abstracted, purloined] **appropriated**, or

10 misapplied [does not exceed one thousand dollars,] **is seven hundred fifty dollars or more, in**  
11 **which case** it is a class D felony.

570.219. 1. A person commits the [crime] **offense** of making false entries in the records  
2 of a financial institution if he **or she** makes any false entry in any book, report, or statement of  
3 a [bank, trust company, savings and loan association, or credit union] **financial institution** with  
4 intent to injure or defraud such [bank, trust company, savings and loan association, or credit  
5 union] **financial institution**, or any other [company, body politic or corporate, or any individual  
6 person] **entity**, or with intent to deceive any officer or director of [such bank, trust company,  
7 savings and loan association, or credit union,] **a financial institution** or any agent or examiner  
8 appointed to examine the affairs of such [bank, trust company, savings and loan association, or  
9 credit union] **financial institution**.

10 2. **The offense of** making false entries in the records of a financial institution is a class  
11 **[C] D** felony.

570.220. 1. A person commits the [crime] **offense** of check kiting if he[, pursuant to a  
2 scheme or artifice] **or she, with intent** to defraud, obtains money from a financial institution by  
3 drawing a check against an account in which there [are] **is** not sufficient collected funds to pay  
4 the check and, [as part of the scheme or artifice,] he **or she** purports to cover that check by  
5 depositing in such account another check drawn against insufficient collected funds.

6 2. For purposes of this section, the term ["financial institution" shall mean a bank, trust  
7 company, savings and loan association, or credit union; "check" shall include any check, draft,  
8 negotiable order of withdrawal, or similar instrument used to transfer or withdraw funds held in  
9 a deposit account at a financial institution; and the term] "collected funds" [shall mean] **means**  
10 that portion of a deposit account representing checks and other credits as to which the depository  
11 has directly and affirmatively verified that final payment has been made or, in the alternative,  
12 with respect to checks as to which at least ten business days have elapsed, without return of the  
13 checks, since presentation for payment.

14 3. **The offense of** check kiting is a class **[C] E** felony.

570.223. 1. A person commits the [crime] **offense** of identity theft if he or she  
2 knowingly and with the intent to deceive or defraud obtains, possesses, transfers, uses, or  
3 attempts to obtain, transfer or use, one or more means of identification not lawfully issued for  
4 his or her use.

5 2. [The term "means of identification" as used in this section includes, but is not limited  
6 to, the following:

- 7 (1) Social Security numbers;
- 8 (2) Drivers license numbers;
- 9 (3) Checking account numbers;
- 10 (4) Savings account numbers;
- 11 (5) Credit card numbers;

- 12 (6) Debit card numbers;
- 13 (7) Personal identification (PIN) code;
- 14 (8) Electronic identification numbers;
- 15 (9) Digital signatures;
- 16 (10) Any other numbers or information that can be used to access a person's financial
- 17 resources;
- 18 (11) Biometric data;
- 19 (12) Fingerprints;
- 20 (13) Passwords;
- 21 (14) Parent's legal surname prior to marriage;
- 22 (15) Passports; or
- 23 (16) Birth certificates.

24 3. A person found guilty of identity theft shall be punished as follows:

25 (1) Identity theft or attempted identity theft which does not result in the theft or

26 appropriation of credit, money, goods, services, or other property] **The offense of identity theft**

27 is a class B misdemeanor[;

28 (2) Identity theft which results in the theft or appropriation of credit, money, goods,

29 services, or other property] **unless the identity theft results in the theft or appropriation of**

30 **credit, money, goods, services, or other property:**

31 (1) Not exceeding [five] **seven** hundred **fifty** dollars in value, **in which case it** is a class

32 A misdemeanor;

33 [(3) Identity theft which results in the theft or appropriation of credit, money, goods,

34 services, or other property]

35 (2) Exceeding [five] **seven** hundred **fifty** dollars and not exceeding [five] **twenty-five**

36 thousand dollars in value, **in which case it** is a class [C] **D** felony;

37 [(4) Identity theft which results in the theft or appropriation of credit, money, goods,

38 services, or other property]

39 (3) Exceeding [five] **twenty-five** thousand dollars and not exceeding [fifty] **seventy-five**

40 thousand dollars in value, **in which case** is a class [B] **C** felony;

41 [(5) Identity theft which results in the theft or appropriation of credit, money, goods,

42 services, or other property]

43 (4) Exceeding [fifty] **seventy-five** thousand dollars in value, **in which case it** is a class

44 [A] **B** felony.

45 [4.] 3. In addition to the provisions of subsection [3] 2 of this section, the court may

46 order that the defendant make restitution to any victim of the offense. Restitution may include

47 payment for any costs, including attorney fees, incurred by the victim:

48 (1) In clearing the credit history or credit rating of the victim; and



49           (2) In connection with any civil or administrative proceeding to satisfy any debt, lien,  
50 or other obligation of the victim arising from the actions of the defendant.

51           [5.] 4. In addition to the criminal penalties in subsections [3] 2 and [4] 3 of this section,  
52 any person who commits an act made unlawful by subsection 1 of this section shall be liable to  
53 the person to whom the identifying information belonged for civil damages of up to five  
54 thousand dollars for each incident, or three times the amount of actual damages, whichever  
55 amount is greater. A person damaged as set forth in subsection 1 of this section may also  
56 institute a civil action to enjoin and restrain future acts that would constitute a violation of  
57 subsection 1 of this section. The court, in an action brought under this subsection, may award  
58 reasonable attorneys' fees to the plaintiff.

59           [6.] 5. If the identifying information of a deceased person is used in a manner made  
60 unlawful by subsection 1 of this section, the deceased person's estate shall have the right to  
61 recover damages pursuant to subsection [5] 4 of this section.

62           [7.] 6. Civil actions under this section must be brought within five years from the date  
63 on which the identity of the wrongdoer was discovered or reasonably should have been  
64 discovered.

65           [8.] 7. Civil action pursuant to this section does not depend on whether a criminal  
66 prosecution has been or will be instituted for the acts that are the subject of the civil action. The  
67 rights and remedies provided by this section are in addition to any other rights and remedies  
68 provided by law.

69           [9.] 8. This section and section 570.224 shall not apply to the following activities:

70           (1) A person obtains the identity of another person to misrepresent his or her age for the  
71 sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment, or  
72 another privilege denied to minors[. Nothing in this subdivision shall affect the provisions of  
73 subsection 10 of this section];

74           (2) A person obtains means of identification or information in the course of a bona fide  
75 consumer or commercial transaction;

76           (3) A person exercises, in good faith, a security interest or right of offset by a creditor  
77 or financial institution;

78           (4) A person complies, in good faith, with any warrant, court order, levy, garnishment,  
79 attachment, or other judicial or administrative order, decree, or directive, when any party is  
80 required to do so;

81           (5) A person is otherwise authorized by law to engage in the conduct that is the subject  
82 of the prosecution.

83           [10. Any person who obtains, transfers, or uses any means of identification for the  
84 purpose of manufacturing and providing or selling a false identification card to a person under  
85 the age of twenty-one for the purpose of purchasing or obtaining alcohol shall be guilty of a class  
86 A misdemeanor.

87           11.] **9.** Notwithstanding the provisions of subdivision (1) or (2) of subsection [3] **2** of  
88 this section, every person who has previously [pled guilty to or] been found guilty of identity  
89 theft or attempted identity theft, and who subsequently [pleads guilty to or] is found guilty of  
90 identity theft or attempted identity theft of credit, money, goods, services, or other property not  
91 exceeding [five hundred] **seven hundred fifty** dollars in value is guilty of a class [D] **E** felony  
92 and shall be punished accordingly.

93           [12. The value of property or services is its highest value by any reasonable standard at  
94 the time the identity theft is committed. Any reasonable standard includes, but is not limited to,  
95 market value within the community, actual value, or replacement value.

96           13.] **10.** If credit, property, or services are obtained by two or more acts from the same  
97 person or location, or from different persons by two or more acts which occur in approximately  
98 the same location or time period so that the identity thefts are attributable to a single scheme,  
99 plan, or conspiracy, the acts may be considered as a single identity theft and the value may be  
100 the total value of all credit, property, and services involved.

          570.224. 1. A person commits the [crime] **offense** of trafficking in stolen identities  
2 [when such person] **if he or she, for the purpose of committing identity theft**, manufactures,  
3 sells, transfers, [purchases,] or possesses[, with intent to sell or transfer means of identification  
4 [as defined in subsection 2 of section 570.223, for the purpose of committing identity theft].

5           2. Possession of five or more means of identification of the same person or possession  
6 of means of identification of five or more separate persons shall be evidence that the identities  
7 are possessed with intent to manufacture, sell, or transfer means of identification for the purpose  
8 of committing identity theft. In determining possession of five or more means of identification  
9 of the same person, or possession of means of identification of five or more separate persons for  
10 the purposes of evidence pursuant to this subsection, the following do not apply:

11           (1) The possession of his or her own identification documents;

12           (2) The possession of the identification documents of a person who has consented to the  
13 person at issue possessing his or her identification documents.

14           3. **The offense of** trafficking in stolen identities is a class B felony.

          570.225. [No] **1.** A person [shall] **commits the offense of misappropriation of**  
2 **intellectual property if he or she**, without the consent of the owner[, transfer or cause to be  
3 transferred] :

4           **(1) Copies** any sounds recorded on [a phonograph record, disc, wire, tape, film,  
5 videocassette or other article or] **any** medium now known or later developed on which sounds  
6 are recorded, with the [intent] **purpose** to sell or cause to be sold for profit or used to promote  
7 the sale of any article on which sounds are [so] transferred, except that this section shall only  
8 apply to sound recordings initially fixed prior to February 15, 1972; **or**

9           (2) Records sounds or images of any performance whether live before an audience  
10 or transmitted by wire or through the air by radio or television, with the intent to sell the  
11 performance or cause it to be sold for profit; or

12           (3) Offers for sale, or sells or processes for such purposes any article that has been  
13 produced in violation of subdivision (1) or (2) of subsection 1 of this section, knowing, or  
14 having reasonable grounds to know, that the sounds or images thereon have been so copied  
15 or recorded without the consent of the owner; or

16           (4) Advertises, rents, sells, offers for rental or sale, or possesses for such purposes  
17 any medium now known or later developed on which sounds or images are recorded if the  
18 article's label, cover, box or jacket does not contain in clearly readable print the name and  
19 address of the manufacturer.

20           2. This section shall not apply to:

21           (1) Any radio or television broadcaster who transfers any such sounds as part of,  
22 or in connection with, a radio or television broadcast transmission or for archival  
23 preservation;

24           (2) Any person transferring any such sounds at home for his or her personal use  
25 without any compensation being derived by such person or any other person from such  
26 transfer;

27           (3) Any cable television company that transfers any such sounds as part of its  
28 regular cable television service.

29           3. The offense of misappropriation of intellectual property is a class A  
30 misdemeanor unless:

31           (1) One hundred or more articles were involved; or

32           (2) A person is found guilty of violating this section, and that person has previously  
33 been found guilty of a violation of this section;

34  
35 in which case it is a class D felony.

36           4. As used in this section the following terms mean:

37           (1) "Audiovisual works", works that consist of a series of related images which are  
38 intrinsically intended to be shown by the use of machines, electronic equipment or other  
39 devices, now known or later developed, together with accompanying sounds, if any;

40           (2) "Manufacturer", the person who transfers or causes to be transferred any  
41 sounds or images to the particular article, medium, recording or other physical  
42 embodiment of such sounds or images then in issue;

43           (3) "Motion pictures", audiovisual works consisting of a series of related images  
44 which, when shown in succession, impart an impression of motion, together with  
45 accompanying sounds, if any;

46           (4) "Owner", the person who owns the sounds of any performance not yet fixed in  
47 a medium of expression, or the original fixation of sounds embodied in the master device  
48 or medium now known or later developed for the use of reproducing sounds, or other  
49 articles or media upon which sound is or may be recorded, and from which the copied  
50 recorded sounds are directly or indirectly derived;

51           (5) "Person", any natural person, corporation or other business entity.

570.300. 1. A person commits the [crime] offense of **facilitating** the theft of cable  
2 television service if he[:

3           (1) Knowingly obtains or attempts to obtain cable television service without paying all  
4 lawful compensation to the operator of such service, by means of artifice, trick, deception or  
5 device; or

6           (2) Knowingly assists another person in obtaining or attempting to obtain cable  
7 television service without paying all lawful compensation to the operator of such service; or

8           (3) Knowingly connects to, tampers with or otherwise interferes with any cables, wires  
9 or other devices used for the distribution of cable television if the effect of such action is to  
10 obtain cable television without paying all lawful compensation therefor; or

11           (4) Knowingly sells, uses, manufactures, rents or offers for sale, rental or use any device,  
12 plan or kit designed and intended to obtain cable television service in violation of this section;  
13 or

14           (5) Knowingly attempts to connect to, tamper with, or otherwise interfere with any cable  
15 television signal, cables, wires, devices, or equipment, which is used for the distribution of cable  
16 television and which results in the unauthorized use of a cable television system or the disruption  
17 of the delivery of the cable television service. Nothing in this section shall be construed to  
18 prohibit, restrict, or otherwise limit the purchase, sale, or use of any products, including without  
19 limitation hardware, software, or other items, intended to provide services and features to a  
20 customer who has lawfully obtained a connection from a cable company] **or she knowingly**  
21 **sells, uses, manufactures, rents, or offers for sale, rental, or use any device, plan, or kit**  
22 **designed and intended to obtain cable television without paying all lawful compensation**  
23 **to the operator of such service.**

24           2. **The offense of facilitating** theft of cable television service is a class [C] **D** felony [  
25 if the value of the service appropriated is five hundred dollars or more or if the theft is a violation  
26 of subdivision (5) of subsection 1 of this section, otherwise theft of cable television services is  
27 a class A misdemeanor.

28           3. Any cable television operator may bring an action to enjoin and restrain any violation  
29 of the provisions of this section or bring an action for conversion. In addition to any actual  
30 damages, an operator may be entitled to punitive damages and reasonable attorney fees in any  
31 case in which the court finds that the violation was committed willfully and for purposes of

32 commercial advantage. In the event of a defendant's verdict the defendant may be entitled to  
33 reasonable attorney fees.

34 4. The existence on the property and in the actual possession of the accused of any  
35 connection wire, or conductor, which is connected in such a manner as to permit the use of cable  
36 television service without the same being reported for payment to and specifically authorized by  
37 the operator of the cable television service shall be sufficient to support an inference which the  
38 trial court may submit to the trier of fact, from which the trier of fact may conclude that the  
39 accused has committed the crime of theft of cable television service.

40 5. If a cable television company either:

41 (1) Provides unsolicited cable television service; or

42 (2) Fails to change or disconnect cable television service within ten days after receiving  
43 written notice to do so by the customer, the customer may deem such service to be a gift without  
44 any obligation to the cable television company from ten days after such written notice is received  
45 until the service is changed or disconnected].

46 [6.] 3. Nothing in this section shall be construed to render unlawful or prohibit an  
47 individual or other legal entity from owning or operating a video cassette recorder or devices  
48 commonly known as a satellite receiving dish for the purpose of receiving and utilizing  
49 satellite-relayed television signals for his **or her** own use.

50 [7. As used in this section, the term "cable television service" includes microwave  
51 television transmission from a multipoint distribution service not capable of reception by  
52 conventional television receivers without the use of special equipment.]

[578.500.] **570.302.** 1. [Any] **A person commits the offense of operating an**  
2 **audiovisual recording device in a motion picture theater if he or she**, while a motion picture  
3 is being exhibited, [who] knowingly operates an audiovisual recording function of a device in  
4 a motion picture theater without the consent of the owner or lessee of the motion picture theater  
5 [shall be guilty of criminal use of real property].

6 2. As used in this section, the term "audiovisual recording function" means the capability  
7 of a device to record or transmit a motion picture or any part thereof by means of any technology  
8 now known or later developed.

9 3. As used in this section, the term "motion picture theater" means a movie theater,  
10 screening room, or other venue that is being utilized primarily for the exhibition of a motion  
11 picture at the time of the offense, but excluding the lobby, entrance, or other areas of the building  
12 where a motion picture cannot be viewed.

13 4. The provisions of this section shall not prevent any lawfully authorized investigative,  
14 law enforcement protective, or intelligence-gathering employee or agent, of the state or federal  
15 government, from operating any audiovisual recording device in any facility where a motion  
16 picture is being exhibited, as part of lawfully authorized investigative, protective, law  
17 enforcement, or intelligence-gathering activities. The owner or lessee of a facility where a

18 motion picture is being exhibited, or the authorized agent or employee of such owner or lessee,  
19 who alerts law enforcement authorities of an alleged violation of this section shall not be liable  
20 in any civil action arising out of measures taken by such owner, lessee, agent, or employee in the  
21 course of subsequently detaining a person that the owner, lessee, agent, or employee in good faith  
22 believed to have violated this section while awaiting the arrival of law enforcement authorities,  
23 unless the plaintiff can show by clear and convincing evidence that such measures were  
24 unreasonable or the period of detention was unreasonably long.

25 5. [Any person who has pled guilty to or been found guilty of violating the provisions  
26 of this section shall be guilty of] **The offense of operating an audiovisual recording device**  
27 **in a motion picture theater** is a class A misdemeanor, unless the person has previously [pled  
28 guilty or] been found guilty of violating the provisions of this section, in which case it is a class  
29 [D] E felony.

570.310. 1. [It is unlawful for] A person **commits the offense of mortgage fraud if he**  
2 **or she**, in connection with the application for or procurement of a loan secured by real estate [to]  
3 , willfully:

4 (1) [Employ] **Employs** a device, scheme, or artifice to defraud;

5 (2) [Make] **Makes** an untrue statement of a material fact or [to omit] **omits** to state a  
6 material fact necessary in order to make the statement made, in the light of the circumstances  
7 under which it is made, not misleading;

8 (3) [Receive] **Receives** any portion of the purchase, sale, or loan proceeds, or any other  
9 consideration paid or generated in connection with a real estate closing that such person knew  
10 involved a violation of this section; or

11 (4) [Influence] **Influences**, through extortion or bribery, the development, reporting,  
12 result, or review of a real estate appraisal, except that this subsection does not prohibit a  
13 mortgage lender, mortgage broker, mortgage banker, real estate licensee, or other person from  
14 asking the appraiser to do one or more of the following:

15 (a) Consider additional property information;

16 (b) Provide further detail, substantiation, or explanation for the appraiser's value  
17 conclusion; or

18 (c) Correct errors in the appraisal report in compliance with the Uniform Standards of  
19 Professional Appraisal Practice.

20 2. [Such acts shall be deemed to constitute mortgage fraud.

21 3.] **The offense of mortgage fraud** is a class [C] **D** felony.

22 [4.] **3.** Each transaction in violation of this section shall constitute a separate offense.

23 [5.] **4.** Venue over any dispute relating to mortgage fraud or a conspiracy or endeavor  
24 to engage in or participate in a pattern of mortgage fraud shall be:

25 (1) In the county in which the real estate is located;

26 (2) In the county in which any act was performed in furtherance of mortgage fraud;

27 (3) In any county in which any person alleged to have violated this section had control  
28 or possession of any proceeds from mortgage fraud;

29 (4) In any county in which a related real estate closing occurred; or

30 (5) In any county in which any document related to a mortgage fraud is filed with the  
31 recorder of deeds.

32 [6. Prosecution under the provisions of this section shall not preclude:

33 (1) The power of this state to punish a person for conduct that constitutes a crime under  
34 other laws of this state;

35 (2) A civil action by any person;

36 (3) Administrative or disciplinary action by the state or the United States or by any  
37 agency of the state or the United States;

38 (4) A civil forfeiture action; or

39 (5) An action under chapter 407.]

40 **5. The punishment imposed under this section shall be in addition to any**  
41 **punishment provided by law for the offense.**

[578.510.] **570.350.** 1. This section shall be known and may be cited as the "Stolen  
2 Valor Act of 2007".

3 2. Any person who, with the intent to misrepresent himself or herself as a veteran or  
4 medal recipient, knowingly wears, purchases, attempts to purchase, solicits for purchase, mails,  
5 ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts  
6 to sell, advertises for sale, trades, barter, or exchanges for anything of value any decoration or  
7 medal authorized under chapter 41, or by the Congress for the armed forces of the United States,  
8 or any of the service medals or badges awarded to the members of such forces, or the ribbon,  
9 button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof,  
10 except when authorized under regulations promulgated under law, is guilty of a class A  
11 misdemeanor. Any second or subsequent violation of this subsection is a class [D] E felony.

12 3. Any person who misrepresents himself or herself, verbally or in writing, to have been  
13 awarded any decoration or medal authorized under chapter 41, or by Congress for the armed  
14 forces of the United States, any of the service medals or badges awarded to the members of such  
15 forces, the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable  
16 imitation of such item is guilty of a class A misdemeanor. Any second or subsequent violation  
17 of this subsection is a class [D] E felony.

18 4. Any person who fraudulently uses the title of "veteran", as defined by the United  
19 States Department of Veterans Affairs or its successor agency, in order to obtain personal  
20 benefit, monetary or otherwise, and such person does not have verifiable proof of his or her  
21 status as a veteran is guilty of a class A misdemeanor. Any second or subsequent violation of  
22 this subsection is a class [D] E felony.

23           5. If a decoration or medal involved in an offense described in subsections 2 to 4 of this  
24 section is a distinguished-service cross awarded under Section 3742 of Title 10 of the United  
25 States Code, a Navy Cross awarded under Section 6242 of Title 10 of the United States Code,  
26 an Air Force Cross awarded under Section 8742 of Section 10 of the United States Code, a Silver  
27 Star awarded under Section 3742, 6244, or 8746 of Title 10 of the United States Code, a Purple  
28 Heart awarded under Section 1129 of Title 10 of the United States Code, or any replacement or  
29 duplicate medal for such medal as authorized by law, in lieu of the penalty provided in  
30 subsection 2, 3, or 4 of this section, the offender is guilty of a class [D] E felony.

31           6. If a decoration or medal involved in an offense described in subsections 2 to 4 of this  
32 section is the Medal of Honor awarded under Section 1560 of Title 38 of the United States Code,  
33 the offender is guilty of a class [C] D felony.

                  [578.570. Any] **570.375. 1. A person [who] commits the offense of fraud or deception  
2 in obtaining an instruction permit, driver's license or nondriver's license if he or she:**

3           (1) [Knowing] **Knowingly** or in reckless disregard of the truth, assists any person in  
4 committing fraud or deception during the examination process for an instruction permit, driver's  
5 license, or nondriver's license; **or**

6           (2) [Knowing] **Knowingly** or in reckless disregard of the truth, assists any person in  
7 [making application] **applying** for an instruction permit, driver's license, or nondriver's license  
8 that contains or is substantiated with false or fraudulent information or documentation; **or**

9           (3) [Knowing] **Knowingly** or in reckless disregard of the truth, assists any person in  
10 concealing a material fact or otherwise committing a fraud in an application for an instruction  
11 permit, driver's license, or nondriver's license; **or**

12           (4) Engages in any conspiracy to commit any of the preceding acts or aids or abets the  
13 commission of any of the preceding acts[;] .

14           **2. The offense of fraud or deception in obtaining an instruction permit, driver's  
15 license, or nondriver's license is [guilty of] a class A misdemeanor.**

                  570.380. [Any] **1. A person [who] commits the offense of manufacture or possession  
2 of five or more fake IDs if he or she manufactures or possesses five or more fictitious or forged  
3 means of identification, as defined in section [570.223] 570.010, with the intent to distribute to  
4 others for the purpose of committing [a crime shall be guilty of a class C felony] an offense.**

5           **2. The offense of manufacture or possession of five or more fake IDs is a class D  
6 felony.**

                  [578.377.] **570.400. 1. A person commits the [crime] offense of unlawfully receiving  
2 food stamp coupons or ATP cards if he or she knowingly receives or uses the proceeds of food  
3 stamp coupons or ATP cards to which he or she is not lawfully entitled or for which he has not  
4 applied and been approved by the department to receive.**

5           **2. The offense of unlawfully receiving food stamp coupons or ATP cards is a class [D  
6 felony unless the face value of the food stamp coupon or ATP cards is less than five hundred**



7 dollars, in which case unlawful receiving of food stamp coupons and ATP cards is a class] A  
8 misdemeanor, **unless the face value of the food stamp coupons or ATP cards is seven**  
9 **hundred fifty dollars or more, in which case it is a class E felony, or the person has**  
10 **previously been found guilty of two violations under sections 570.400 to 570.410, in which**  
11 **case it is a class D felony.**

[578.379.] **570.402.** 1. A person commits the [crime] **offense** of conversion of food  
2 stamp coupons or ATP cards if he **or she** knowingly engages in any transaction to convert food  
3 stamp coupons or ATP cards to other property contrary to statutes, rules and regulations, either  
4 state or federal, governing the food stamp program.

5 2. **The offense of** unlawful conversion of food stamp coupons or ATP cards is a class  
6 [D felony unless the face value of said food stamp coupons or ATP cards is less than five  
7 hundred dollars, in which case unlawful conversion of food stamp coupons or ATP cards is a  
8 class] A misdemeanor, **unless the face value of the food stamp coupons or ATP cards is**  
9 **seven hundred fifty dollars or more, in which case it is a class E felony, or the person has**  
10 **previously been found guilty of two violations under sections 570.400 to 570.410, in which**  
11 **case it is a class D felony.**

[578.381.] **570.404.** 1. A person commits the [crime] **offense** of unlawful transfer of  
2 food stamp coupons or ATP cards if he **or she** knowingly transfers food stamp coupons or ATP  
3 cards to another not lawfully entitled or approved by the department **of social services** to receive  
4 the food stamp coupons or ATP cards.

5 2. **The offense of** unlawful transfer of food stamp coupons or ATP cards is a class [D  
6 felony unless the face value of said food stamp coupons or ATP cards is less than five hundred  
7 dollars, in which case unlawful transfer of food stamp coupons or ATP cards is a class] A  
8 misdemeanor, **unless the face value of the food stamp coupons or ATP cards is seven**  
9 **hundred fifty dollars or more, in which case it is a class E felony, or the person previously**  
10 **been found guilty of two violations under sections 570.400 to 570.410, in which case it is a**  
11 **class D felony.**

[578.383.] **570.406.** The face value of all food stamp coupons or ATP cards stolen,  
2 possessed, transferred or converted from one scheme or course of conduct, whether from one or  
3 several rightful possessors, or at the same or different times shall constitute a single criminal  
4 episode and their face values may be aggregated in determining the grade of offense.

[578.385.] **570.408.** 1. A person commits the [crime] **offense** of perjury for the purpose  
2 of [this section] **obtaining public assistance** if he **or she** knowingly makes a false or misleading  
3 statement or misrepresents a fact material for the purpose of obtaining public assistance if the  
4 false or misleading statement is reduced to writing and verified by the signature of the person  
5 making the statement and by the signature of any employee of the Missouri department of social  
6 services. The same person may not be charged with unlawfully receiving public assistance

7 benefits and perjury pursuant to this section when both offenses arise from the same application  
8 for benefits.

9       2. A statement or fact is material, regardless of its admissibility under rules of evidence,  
10 if it could substantially affect or did substantially affect the granting of public assistance.

11       3. Knowledge of the materiality of the statement or fact is not an element of this [crime]  
12 **offense**, and it is no defense that:

13       (1) The [defendant] **person** mistakenly believed the fact to be immaterial; or

14       (2) The [defendant] **person** was not competent, for reasons other than mental disability,  
15 to make the statement.

16       4. [Perjury committed as part of a transaction involving the making of an application to  
17 obtain public assistance is a class D felony unless the value of the public assistance unlawfully  
18 obtained or unlawfully attempted to be obtained is less than five hundred dollars in which case  
19 it is a class A misdemeanor] **The offense of perjury for the purpose of obtaining public**  
20 **assistance is a class A misdemeanor, unless the value of the public assistance unlawfully**  
21 **obtained or unlawfully attempted to be obtained is seven hundred fifty dollars or more, in**  
22 **which case it is a class E felony, or the person has previously been found guilty of two**  
23 **violations under sections 570.400 to 570.410, in which case it is a class D felony.**

      [578.387.] **570.410.** 1. For the purpose of any investigation or proceeding relating to  
2 public assistance unlawfully received or an application for public assistance unlawfully tendered,  
3 the director of the department **of social services** or any officer designated by him [and/or] **or her**  
4 **or** the attorney general for the state of Missouri or any officer designated by him **or her** may  
5 administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony,  
6 require answers to written interrogatories and require production of any books, papers,  
7 correspondence, memoranda, agreements or other documents or records which the director of  
8 the department [and/or] **or** the attorney general deem relevant and material to the inquiry.

9       2. In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the  
10 circuit court of any county of the state or the city of St. Louis, upon application by the  
11 department director [and/or] **or** the attorney general may issue to the person an order requiring  
12 him **or her** to appear before the department director[,], or the officer designated by him **or her**,  
13 [and/or] **or** the attorney general[,], or the officer designated by him **or her**, there to produce  
14 documentary evidence if so ordered or to give testimony or answer interrogatories touching the  
15 matter under investigation or in question in accordance with the forms and procedures otherwise  
16 authorized by the Rules of Civil Procedure. Failure to obey the order of the court may be  
17 punished by the court as a contempt of court.

18       3. Information or documents obtained under this section by the director of the  
19 department [and/or] **or** the attorney general shall not be disclosed except in the course of civil  
20 or criminal litigation or to another prosecutorial or investigative agency, or to the divisions of  
21 the department.

22           4. [Anyone improperly disclosing information obtained] **The offense of improper**  
23 **disclosure** under this section is [guilty of] a class A misdemeanor.

24           5. The provisions of this section do not repeal existing provisions of law and shall be  
25 construed as supplementary thereto.

571.010. As used in this chapter, the following terms shall mean:

2           (1) **"Ammunition", any cartridge, shell, or projectile designed for use in a firearm;**

3           (2) "Antique, curio or relic firearm", **includes** any firearm so defined by the National  
4 Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of  
5 Alcohol Tobacco and Firearms, 27 CFR Section 178.11:

6           (a) "Antique firearm" is any firearm not designed or redesigned for using rim fire or  
7 conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said  
8 ammunition not being manufactured any longer; this includes any matchlock, wheel lock,  
9 flintlock, percussion cap or similar type ignition system, or replica thereof;

10          (b) "Curio or relic firearm" is any firearm deriving value as a collectible weapon due to  
11 its unique design, ignition system, operation or at least fifty years [old] **of age**, associated with  
12 a historical event, renown personage or major war;

13          [(2)] (3) "Blackjack", any instrument that is designed or adapted for the purpose of  
14 stunning or inflicting physical injury by striking a person, and which is readily capable of lethal  
15 use;

16          [(3)] (4) "Blasting agent", any material or mixture, consisting of fuel and oxidizer that  
17 is intended for blasting, but not otherwise defined as an explosive under this section, provided  
18 that the finished product, as mixed for use of shipment, cannot be detonated by means of a  
19 numbered 8 test blasting cap when unconfined;

20          [(4)] (5) "Concealable firearm", any firearm with a barrel less than sixteen inches in  
21 length, measured from the face of the bolt or standing breech;

22          [(5)] "Deface", to alter or destroy the manufacturer's or importer's serial number or any  
23 other distinguishing number or identification mark;]

24          (6) "Detonator", any device containing a detonating charge that is used for initiating  
25 detonation in an explosive, including but not limited to, electric blasting caps of instantaneous  
26 and delay types, nonelectric blasting caps for use with safety fuse or shock tube and detonating  
27 cord delay connectors;

28          (7) "Explosive weapon", any explosive, incendiary, or poison gas bomb or similar device  
29 designed or adapted for the purpose of inflicting death, serious physical injury, or substantial  
30 property damage; or any device designed or adapted for delivering or shooting such a weapon.  
31 For the purposes of this subdivision, the term "explosive" shall mean any chemical compound  
32 mixture or device, the primary or common purpose of which is to function by explosion,  
33 including but not limited to, dynamite and other high explosives, pellet powder, initiating

34 explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or  
35 blasting agents;

36 (8) "Firearm", any weapon that is designed or adapted to expel a projectile by the action  
37 of an explosive;

38 (9) "Firearm silencer", any instrument, attachment, or appliance that is designed or  
39 adapted to muffle the noise made by the firing of any firearm;

40 (10) "Gas gun", any gas ejection device, weapon, cartridge, container or contrivance  
41 other than a gas bomb that is designed or adapted for the purpose of ejecting any poison gas that  
42 will cause death or serious physical injury, but not any device that ejects a repellant or temporary  
43 incapacitating substance;

44 (11) "Intoxicated", substantially impaired mental or physical capacity resulting from  
45 introduction of any substance into the body;

46 (12) "Knife", any dagger, dirk, stiletto, or bladed hand instrument that is readily capable  
47 of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this  
48 chapter, "knife" does not include any ordinary pocketknife with no blade more than four inches  
49 in length;

50 (13) "Knuckles", any instrument that consists of finger rings or guards made of a hard  
51 substance that is designed or adapted for the purpose of inflicting serious physical injury or death  
52 by striking a person with a fist enclosed in the knuckles;

53 (14) "Machine gun", any firearm that is capable of firing more than one shot  
54 automatically, without manual reloading, by a single function of the trigger;

55 (15) "Projectile weapon", any bow, crossbow, pellet gun, slingshot or other weapon that  
56 is not a firearm, which is capable of expelling a projectile that could inflict serious physical  
57 injury or death by striking or piercing a person;

58 (16) "Rifle", any firearm designed or adapted to be fired from the shoulder and to use  
59 the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore  
60 by a single function of the trigger;

61 (17) "Short barrel", a barrel length of less than sixteen inches for a rifle and eighteen  
62 inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall  
63 rifle or shotgun length of less than twenty-six inches;

64 (18) "Shotgun", any firearm designed or adapted to be fired from the shoulder and to use  
65 the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile  
66 through a smooth bore barrel by a single function of the trigger;

67 (19) ["Spring gun", any fused, timed or nonmanually controlled trap or device designed  
68 or adapted to set off an explosion for the purpose of inflicting serious physical injury or death;

69 (20)] "Switchblade knife", any knife which has a blade that folds or closes into the  
70 handle or sheath, and;

71 (a) That opens automatically by pressure applied to a button or other device located on  
72 the handle; or

73 (b) That opens or releases from the handle or sheath by the force of gravity or by the  
74 application of centrifugal force.

571.014. 1. A person commits the [crime] **offense** of unlawful refusal to transfer by  
2 denying **the** sale of a firearm to a nonlicensee, who is otherwise not prohibited from possessing  
3 a firearm under state or federal law, solely on the basis that the nonlicensee purchased a firearm  
4 that was later the subject of a trace request by law enforcement.

5 2. [Violation of subsection 1 of this section shall be] **The offense of unlawful refusal**  
6 **to transfer by denying the sale of a firearm** a class A misdemeanor.

7 3. Notwithstanding any other provision of law to the contrary, no [federal firearms]  
8 dealer [licensed under 18 U.S.C. Section 923] who engages in the sale of firearms within this  
9 state shall fail or refuse to complete the sale of a firearm to a customer in every case in which the  
10 sale is authorized by federal law.

11 4. [The provisions of] This section shall not apply to any [individual federal firearms  
12 license holder, his agents, or employees to the extent they chose in their] **firearms dealer who,**  
13 **in his or her** individual judgment [to] , **chooses not to** complete the sale or transfer of a firearm  
14 for articulable reasons specific to that transaction, so long as those reasons are not based on the  
15 race, gender, religion, **or** creed of the buyer.

571.015. 1. Except as provided in subsection 4 of this section, any person who commits  
2 any felony under the laws of this state by, with, or through the use, assistance, or aid of a  
3 dangerous instrument or deadly weapon is also guilty of the [crime] **offense** of armed criminal  
4 action and, upon conviction, shall be punished by imprisonment by the department of corrections  
5 [and human resources] for a term of not less than three years. The punishment imposed pursuant  
6 to this subsection shall be in addition to any punishment provided by law for the crime  
7 committed by, with, or through the use, assistance, or aid of a dangerous instrument or deadly  
8 weapon. No person convicted under this subsection shall be eligible for parole, probation,  
9 conditional release or suspended imposition or execution of sentence for a period of three  
10 calendar years.

11 2. Any person convicted of a second offense of armed criminal action shall be punished  
12 by imprisonment by the department of corrections [and human resources] for a term of not less  
13 than five years. The punishment imposed pursuant to this subsection shall be in addition to any  
14 punishment provided by law for the [crime] **offense** committed by, with, or through the use,  
15 assistance, or aid of a dangerous instrument or deadly weapon. No person convicted under this  
16 subsection shall be eligible for parole, probation, conditional release or suspended imposition  
17 or execution of sentence for a period of five calendar years.

18 3. Any person convicted of a third or subsequent offense of armed criminal action shall  
19 be punished by imprisonment by the department of corrections [and human resources] for a term

20 of not less than ten years. The punishment imposed pursuant to this subsection shall be in  
21 addition to any punishment provided by law for the [crime] **offense** committed by, with, or  
22 through the use, assistance, or aid of a dangerous instrument or deadly weapon. No person  
23 convicted under this subsection shall be eligible for parole, probation, conditional release or  
24 suspended imposition or execution of sentence for a period of ten calendar years.

25 4. The provisions of this section shall not apply to the felonies defined in [sections  
26 564.590, 564.610, 564.620, 564.630, and 564.640] **this chapter**.

27 **5. Nothing contained in any other provisions of law, except as provided in**  
28 **subsection 4 of this section, shall prevent imposition of sentences for both armed criminal**  
29 **action and the crime committed by, with or through the use, assistance, or aid of a**  
30 **dangerous instrument or deadly weapon.**

571.020. 1. A person commits [a crime] **the offense of unlawful possession,**  
2 **manufacture, or sale of a weapon** if [such person] **he or she** knowingly possesses,  
3 manufactures, [transports, repairs,] or sells:

- 4 (1) An explosive weapon;
- 5 (2) An explosive, incendiary or poison substance or material with the purpose to possess,  
6 manufacture or sell an explosive weapon;
- 7 (3) A gas gun;
- 8 (4) A switchblade knife;
- 9 (5) A bullet or projectile which explodes or detonates upon impact because of an  
10 independent explosive charge after having been shot from a firearm; [or]
- 11 (6) Knuckles; [or]
- 12 (7) Any of the following in violation of federal law:
  - 13 (a) A machine gun;
  - 14 (b) A short-barreled rifle or shotgun; or
  - 15 (c) A firearm silencer.

16 2. A person does not commit [a crime] **an offense** pursuant to this section if his **or her**  
17 conduct involved any of the items in subdivisions (1) to (6) of subsection 1 **of this section**, the  
18 item was possessed in conformity with any applicable federal law, and the conduct:

- 19 (1) Was incident to the performance of official duty by the armed forces, national guard,  
20 a governmental law enforcement agency, or a penal institution; or
- 21 (2) Was incident to engaging in a lawful commercial or business transaction with an  
22 organization enumerated in subdivision (1) of this section; or
- 23 (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful  
24 industrial or commercial enterprise; or
- 25 (4) Was incident to displaying the weapon in a public museum or exhibition; or
- 26 (5) Was incident to using the weapon in a manner reasonably related to a lawful dramatic  
27 performance.

28           3. [A crime] **An offense** pursuant to subdivision (1), (2), (3) or (7) of subsection 1 of this  
29 section is a class [C] **D** felony; [a crime] **an offense** pursuant to subdivision (4), (5) or (6) of  
30 subsection 1 of this section is a class A misdemeanor.

**571.031. 1. A person commits the offense of carrying a concealed weapon if he or**  
2 **she knowingly carries concealed upon or about his or her person a knife, a firearm, a**  
3 **blackjack or any other weapon readily capable of lethal use.**

4           **2. The offense of carrying a concealed weapon is a class E felony.**

5           **3. This section shall not apply to any person who:**

6           **(1) Has a valid concealed carry endorsement issued pursuant to sections 319.1025**  
7 **to 319.1043 or a valid permit or endorsement to carry concealed firearms issued by another**  
8 **state or political subdivision of another state; or**

9           **(2) Being twenty-one years of age or older, is transporting a concealable firearm**  
10 **in the passenger compartment of a motor vehicle, so long as such concealable firearm is**  
11 **otherwise lawfully possessed; or**

12           **(3) Is transporting weapons in a nonfunctioning state or in an unloaded state when**  
13 **ammunition is not readily accessible or when such weapons are not readily accessible; or**

14           **(4) Is also in possession of an exposed firearm or projectile weapon for the lawful**  
15 **pursuit of game; or**

16           **(5) Is in his or her dwelling unit or upon premises over which the person has**  
17 **possession, authority or control; or**

18           **(6) Is traveling in a continuous journey peaceably through this state.**

19           **4. No person found guilty of the offense of carrying a concealed weapon shall**  
20 **receive a suspended imposition of sentence if such person has previously received a**  
21 **suspended imposition of sentence for any other firearms or weapons-related felony offense.**

**571.033. 1. A person commits the offense of unlawful discharge of a firearm in the**  
2 **first degree if he or she knowingly discharges or shoots a firearm:**

3           **(1) At any person; or**

4           **(2) Into a dwelling house or habitable structure or a building used for the**  
5 **assembling of people; or**

6           **(3) At or from a motor vehicle, as the term "motor vehicle" is defined in section**  
7 **301.010, or at any other motor vehicle, railroad train, boat, aircraft, building, or habitable**  
8 **structure.**

9           **2. The offense of unlawful discharge of a firearm in the first degree shall be**  
10 **punished as follows:**

11           **(1) For a first violation a person shall be sentenced to the maximum authorized**  
12 **term of imprisonment for a class B felony;**

13           (2) For any violation by a prior offender as defined in section 558.016, a person  
14 shall be sentenced to the maximum authorized term of imprisonment for a class B felony  
15 without the possibility of parole, probation or conditional release for a term of ten years;

16           (3) For any violation by a persistent offender as defined in section 558.016, a person  
17 shall be sentenced to the maximum authorized term of imprisonment for a class B felony  
18 without the possibility of parole, probation, or conditional release;

19           (4) For any violation which results in injury or death to another person, a person  
20 shall be sentenced to an authorized disposition for a class A felony.

21           3. No person found guilty of unlawful discharge of a firearm in the first degree  
22 shall receive a suspended imposition of sentence if such person has previously received a  
23 suspended imposition of sentence for any other firearms or weapons-related felony offense.

          571.034. 1. A person commits the offense of unlawful discharge of a firearm in the  
2 second degree if he or she knowingly discharges or shoots a firearm at a mark, at any  
3 object, or at random, on, along or across a public highway, or into any outbuilding, or  
4 within one hundred yards of any occupied schoolhouse, courthouse, or church building.

5           2. The offense of unlawful discharge of a firearm in the second degree is a class B  
6 misdemeanor.

7           3. Nothing in this section shall make it unlawful for a student to actually participate  
8 in school-sanctioned gun safety courses, student military or ROTC courses, or other  
9 school-sponsored or club-sponsored firearm-related events, provided the student does not  
10 carry a firearm or other weapon readily capable of lethal use into any school, onto any  
11 school bus, or onto the premises of any other function or activity sponsored or sanctioned  
12 by school officials or the district school board.

13           4. No person found guilty of unlawful discharge of a firearm in the second degree  
14 shall receive a suspended imposition of sentence if such person has previously received a  
15 suspended imposition of sentence for any other firearms or weapons-related felony offense.

          571.036. 1. A person commits the offense of brandishing a weapon if he or she, in  
2 the presence of one or more persons, exhibits any weapon readily capable of lethal use in  
3 an angry or threatening manner.

4           2. The offense of brandishing a weapon is a class E felony.

5           3. No person found guilty of brandishing a weapon shall receive a suspended  
6 imposition of sentence if such person has previously received a suspended imposition of  
7 sentence for any other firearms or weapons-related felony offense.

          571.038. 1. A person commits the offense of possession of a weapon in a prohibited  
2 place if he or she knowingly:

3           (1) Carries a firearm, whether loaded or unloaded, or any other weapon readily  
4 capable of lethal use into any school, onto any school bus, or onto the premises of any



5 function or activity sponsored or sanctioned by school officials or the district school board;  
6 or

7 (2) Carries a firearm or any other weapon readily capable of lethal use into any  
8 church or place where people have assembled for worship, or into any election precinct on  
9 any election day, or into any building owned or occupied by any agency of the federal  
10 government, state government, or political subdivision thereof.

11 2. The offense of possession of a weapon in a prohibited place shall be punished as  
12 follows:

13 (1) Violation of subdivision (1) of subsection 1 of this section is a class A  
14 misdemeanor, unless committed with a loaded firearm, in which case it is a class E felony;

15 (2) Violation of subdivision (2) of subsection 1 of this section is a class B  
16 misdemeanor.

17 3. This section shall not apply to any person who:

18 (1) Has a valid concealed carry endorsement issued under sections 319.1025 to  
19 319.1043 or a valid permit or endorsement to carry concealed firearms issued by another  
20 state or political subdivision of another state; or

21 (2) Otherwise lawfully possesses a firearm while traversing school premises for the  
22 purposes of transporting a student to or from school, or is an adult who lawfully possesses  
23 a firearm for the purposes of facilitation of a school-sanctioned firearm-related event or  
24 club event; or

25 (3) Is transporting a weapon in a nonfunctioning state or in an unloaded state when  
26 ammunition is not readily accessible or when such weapons are not readily accessible.

27 4. Nothing in this section shall make it unlawful for a student to actually participate  
28 in school-sanctioned gun safety courses, student military or ROTC courses, or other  
29 school-sponsored or club-sponsored firearm-related events, provided the student does not  
30 carry a firearm or other weapon readily capable of lethal use into any school, onto any  
31 school bus, or onto the premises of any other function or activity sponsored or sanctioned  
32 by school officials or the district school board.

33 5. No person found guilty of possession of a weapon in a prohibited place shall  
34 receive a suspended imposition of sentence if such person has previously received a  
35 suspended imposition of sentence for any other firearms or weapons-related felony offense.

571.041. 1. Nothing in section 571.031, carrying a concealed weapon, and section  
2 571.038, possession of a weapon in a prohibited place, shall apply to any of the following  
3 persons described in this section, regardless of whether such uses are reasonably associated  
4 with or are necessary to the fulfillment of such person's official duties, except as otherwise  
5 provided in this section. Nothing in section 571.033, unlawful discharge of a firearm in the  
6 first degree; section 571.034, unlawful discharge of a firearm in the second degree; and  
7 section 571.036, brandishing a weapon, shall apply to or effect any of the following persons

8 when such uses are reasonably associated with or are necessary to the fulfillment of such  
9 person's official duties, except as otherwise provided in this section:

10 (1) All state, county, and municipal peace officers who have completed the training  
11 required by the police officer standards and training commission under sections 590.030  
12 to 590.050 and who possess the duty and power of arrest for violations of the general  
13 criminal laws of the state or for violations of ordinances of counties or municipalities of the  
14 state, whether such officers are on or off duty, and whether such officers are within or  
15 outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers,  
16 as defined in subsection 2 of this section, and who carry the identification defined in  
17 subsection 3 of this section, or any person summoned by such officers to assist in making  
18 arrests or preserving the peace while actually engaged in assisting such officer;

19 (2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and  
20 other institutions for the detention of persons accused or convicted of crime;

21 (3) Members of the armed forces or national guard while performing their official  
22 duty;

23 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with  
24 the judicial power of the state and those persons vested by Article III of the Constitution  
25 of the United States with the judicial power of the United States, the members of the  
26 federal judiciary;

27 (5) Any person whose bona fide duty is to execute process, civil or criminal;

28 (6) Any federal probation officer or federal flight deck officer as defined under the  
29 federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such  
30 officers are on duty, or within the law enforcement agency's jurisdiction;

31 (7) Any state probation or parole officer, including supervisors and members of the  
32 board of probation and parole;

33 (8) Any corporate security advisor meeting the definition and fulfilling the  
34 requirements of the regulations established by the board of police commissioners under  
35 section 84.340;

36 (9) Any prosecuting attorney or assistant prosecuting attorney or any circuit  
37 attorney or assistant circuit attorney who has completed the firearms safety training course  
38 required under subsection 2 of section 319.1034;

39 (10) Any member of a fire department or fire protection district, who is employed  
40 on a full-time basis as a fire investigator and who has a valid concealed carry endorsement  
41 under sections 319.1025 to 319.1043, when such uses are reasonably associated with or are  
42 necessary to the fulfillment of such person's official duties; and

43 (11) Any coroner, deputy coroner, medical examiner, or assistant medical  
44 examiner.

45 2. As used in this section "qualified retired peace officer" means an individual who:

46           (1) Retired in good standing from service with a public agency as a peace officer,  
47 other than for reasons of mental instability;

48           (2) Before such retirement, was authorized by law to engage in or supervise the  
49 prevention, detection, investigation, or prosecution of, or the incarceration of any person  
50 for, any violation of law, and had statutory powers of arrest;

51           (3) Before such retirement, was regularly employed as a peace officer for an  
52 aggregate of fifteen years or more, or retired from service with such agency, after  
53 completing any applicable probationary period of such service, due to a service-connected  
54 disability, as determined by such agency;

55           (4) Has a nonforfeitable right to benefits under the retirement plan of the agency  
56 if such a plan is available;

57           (5) During the most recent twelve-month period, has met, at the expense of the  
58 individual, the standards for training and qualification for active peace officers to carry  
59 firearms;

60           (6) Is not under the influence of alcohol or another intoxicating or hallucinatory  
61 drug or substance; and

62           (7) Is not prohibited by federal law from receiving a firearm.

63           3. The identification required by subdivision (1) of subsection 1 of this section is:

64           (1) A photographic identification issued by the agency from which the individual  
65 retired from service as a peace officer that indicates that the individual has, within one  
66 year of the date the individual is carrying the concealed firearm, been tested or otherwise  
67 found by the agency to meet the standards established by the agency for training and  
68 qualification for active peace officers to carry a firearm of the same type as the concealed  
69 firearm; or

70           (2) A photographic identification issued by the agency from which the individual  
71 retired from service as a peace officer; and

72           (3) A certification issued by the state in which the individual resides that indicates  
73 that the individual has, within one year of the date the individual is carrying the concealed  
74 firearm, been tested or otherwise found by the state to meet the standards established by  
75 the state for training and qualification for active peace officers to carry a firearm of the  
76 same type as the concealed firearm.

571.042. 1. A person commits the offense of possession of a weapon while  
2 intoxicated if he or she has a firearm or projectile weapon readily capable of lethal use on  
3 his or her person, while he or she is intoxicated.

4           2. The offense of possession of a weapon while intoxicated is a class A misdemeanor,  
5 unless committed with a loaded firearm, in which case it is a class E felony.

6           **3. This section shall not apply to a person transporting such weapons in a**  
7 **nonfunctioning state or in an unloaded state when ammunition is not readily accessible or**  
8 **when such weapons are not readily accessible.**

9           **4. It shall be an affirmative defense to this section that the person is in his or her**  
10 **own residence at the time of the offense, unless he or she handles or otherwise uses such**  
11 **firearm or projectile weapon in either a negligent or unlawful manner or discharges such**  
12 **firearm or projectile weapon.**

13           **5. No person found guilty of possession of a weapon while intoxicated shall receive**  
14 **a suspended imposition of sentence if such person has previously received a suspended**  
15 **imposition of sentence for any other firearms or weapons-related felony offense.**

**571.043. It shall be a defense to section 571.033, unlawful discharge of a firearm in**  
2 **the first degree; section 571.034, unlawful discharge of a firearm in the second degree;**  
3 **section 571.036, brandishing a weapon; section 571.038, possession of a weapon in a**  
4 **prohibited place; and section 571.042, possession of a weapon while intoxicated; that the**  
5 **offense was committed by a person engaged in a lawful act of defense under section**  
6 **563.031. The defendant shall have the burden of injecting the issue of lawful defense.**

**571.044. 1. A person commits the offense of setting a spring gun if he or she**  
2 **knowingly sets any fused, timed or nonmanually controlled trap or device designed or**  
3 **adapted to set off an explosion for the purpose of inflicting serious physical injury or death.**

4           **2. The offense of setting a spring gun is a class E felony.**

5           **3. No person found guilty of setting a spring gun shall receive a suspended**  
6 **imposition of sentence if such person has previously received a suspended imposition of**  
7 **sentence for any other firearms or weapons-related felony offense.**

**571.045. 1. A person commits the [crime] offense of defacing a firearm if he or she**  
2 **knowingly [defaces] alters or destroys the manufacturer's or importer's serial number or**  
3 **any other distinguishing number or identification mark of any firearm.**

4           **2. The offense of defacing a firearm is a class A misdemeanor.**

**571.050. 1. A person commits the [crime] offense of possession of a defaced firearm**  
2 **if he or she knowingly possesses a firearm on which [is defaced] the manufacturer's or**  
3 **importer's serial number or any other distinguishing number or identification mark has**  
4 **been altered or destroyed.**

5           **2. The offense of possession of a defaced firearm is a class B misdemeanor.**

**571.060. 1. A person commits the [crime] offense of unlawful transfer of [weapons] a**  
2 **weapon if he or she:**

3           **(1) Knowingly [sells, leases, loans, gives away or delivers] transfers a firearm or**  
4 **ammunition for a firearm to any person who, under the provisions of section 571.070, is not**  
5 **lawfully entitled to possess such;**

6 (2) Knowingly [sells, leases, loans, gives away or delivers] **transfers** a blackjack to a  
7 person less than eighteen years [old] **of age** without the consent of the child's custodial parent  
8 or guardian[,] ; or

9 (3) Recklessly[, as defined in section 562.016, sells, leases, loans, gives away or  
10 delivers] **transfers** any firearm to a person less than eighteen years [old] **of age** without the  
11 consent of the child's custodial parent or guardian; [provided, that this does not prohibit the  
12 delivery of such weapons to any peace officer or member of the armed forces or national guard  
13 while performing his official duty;] or

14 [(3)] (4) Recklessly, [as defined in section 562.016, sells, leases, loans, gives away or  
15 delivers] **transfers** a firearm or ammunition for a firearm to a person who is intoxicated.

16 2. **The offense of** unlawful transfer of [weapons] **a weapon** under subdivision (1) of  
17 subsection 1 of this section is a class [D] **E felony**; unlawful transfer of [weapons] **a weapon**  
18 under subdivisions (2) [and] , (3) **and (4)** of subsection 1 of this section is a class A  
19 misdemeanor.

571.063. 1. [As used in this section the following terms shall mean:

2 (1) "Ammunition", any cartridge, shell, or projectile designed for use in a firearm;

3 (2) "Licensed dealer", a person who is licensed under 18 U.S.C. Section 923 to engage  
4 in the business of dealing in firearms;

5 (3) "Materially false information", any information that portrays an illegal transaction  
6 as legal or a legal transaction as illegal;

7 (4) "Private seller", a person who sells or offers for sale any firearm, as defined in section  
8 571.010, or ammunition.

9 2.] A person commits the [crime] **offense** of fraudulent purchase of a firearm if [such  
10 person] **he or she**:

11 (1) Knowingly solicits, persuades, encourages or entices a [licensed dealer or private]  
12 seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which  
13 the person knows would violate the laws of this state or the United States; or

14 (2) Provides to a [licensed dealer or private] seller of firearms or ammunition what the  
15 person knows to be [materially] false information with intent to deceive the [dealer or] seller  
16 about the legality of a transfer of a firearm or ammunition[]; or

17 (3) Willfully procures another to violate the provisions of subdivision (1) or (2) of this  
18 subsection].

19 [3.] 2. **The offense of** fraudulent purchase of a firearm is a class [D] **E felony**.

20 [4.] 3. This section shall not apply to criminal investigations conducted by the United  
21 States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such  
22 investigations, or to a [peace] **law enforcement** officer, [as defined in section 542.261,] acting  
23 at the explicit direction of the United States Bureau of Alcohol, Tobacco, Firearms and  
24 Explosives.

571.070. 1. A person commits the [crime] **offense** of unlawful possession of a firearm  
2 **or explosive weapon** if [such person] **he or she** knowingly has any firearm **or explosive**  
3 **weapon** in his or her possession and **such person**:

4 (1) [Such person] Has been convicted of a felony under the laws of this state, or of [a  
5 crime] **an offense** under the laws of any [state or of the United States] **jurisdiction** which, if  
6 committed [within] **in** this state, would be a felony; or

7 (2) [Such person] Is a fugitive from justice[,] ; **or**

8 (3) Is habitually in an intoxicated or drugged condition[,] ; or

9 (4) Is currently adjudged mentally incompetent.

10 2. **The offense of** unlawful possession of a firearm **or explosive weapon** is a class [C]  
11 **D** felony.

12 3. The provisions of subdivision (1) of subsection 1 of this section shall not apply to the  
13 possession of an antique firearm.

571.150. 1. As used in this section, the term "metal-penetrating bullet" means handgun  
2 bullet or projectile of 9 mm, .25, .32, .38, .357, .41, .44, or .451 or other caliber which is  
3 comprised of a hardened core equal to the minimum of the maximum attainable hardness by  
4 solid red metal alloy which purposely reduces the normal expansion or mushrooming of the  
5 bullet's or projectile's shape upon impact. Metal-penetrating bullet does not include any bullet  
6 or projectile composed of copper or brass jacket with lead or lead alloy cores or any bullet or  
7 projectile composed of lead or lead alloys.

8 2. [Any person who uses or possesses] **The offense of using or possessing a**  
9 metal-penetrating bullet during the commission of [a crime is guilty of] **an offense is** a class B  
10 felony.

572.010. As used in this chapter **the following terms mean**:

2 (1) "Advance gambling activity", a person "advances gambling activity" if, acting other  
3 than as a player, **he or she** engages in conduct that materially aids any form of gambling activity.  
4 Conduct of this nature includes but is not limited to conduct directed toward the creation or  
5 establishment of the particular game, lottery, contest, scheme, device or activity involved, toward  
6 the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor,  
7 toward the solicitation or inducement of persons to participate therein, toward the actual conduct  
8 of the playing phases thereof, toward the arrangement or communication of any of its financial  
9 or recording phases, or toward any other phase of its operation. A person advances gambling  
10 activity if, having substantial proprietary control or other authoritative control over premises  
11 being used with his **or her** knowledge for purposes of gambling activity, **he or she** permits that  
12 activity to occur or continue or makes no effort to prevent its occurrence or continuation. The  
13 supplying, servicing and operation of a licensed excursion gambling boat under sections 313.800  
14 to 313.840 does not constitute advancing gambling activity;

15 (2) "Bookmaking", [means] advancing gambling activity by unlawfully accepting bets  
16 from members of the public as a business, rather than in a casual or personal fashion, upon the  
17 outcomes of future contingent events;

18 (3) "Contest of chance" [means] , any contest, game, gaming scheme or gaming device  
19 in which the outcome depends in a material degree upon an element of chance, notwithstanding  
20 that the skill of the contestants may also be a factor therein;

21 (4) "Gambling", a person engages in "gambling" when he **or she** stakes or risks  
22 something of value upon the outcome of a contest of chance or a future contingent event not  
23 under his **or her** control or influence, upon an agreement or understanding that he **or she** will  
24 receive something of value in the event of a certain outcome. Gambling does not include bona  
25 fide business transactions valid under the law of contracts, including but not limited to contracts  
26 for the purchase or sale at a future date of securities or commodities, and agreements to  
27 compensate for loss caused by the happening of chance, including but not limited to contracts  
28 of indemnity or guaranty and life, health or accident insurance; nor does gambling include  
29 playing an amusement device that confers only an immediate right of replay not exchangeable  
30 for something of value. Gambling does not include any licensed activity, or persons participating  
31 in such games which are covered by sections 313.800 to 313.840;

32 (5) "Gambling device" [means] , any device, machine, paraphernalia or equipment that  
33 is used or usable in the playing phases of any gambling activity, whether that activity consists  
34 of gambling between persons or gambling by a person with a machine. However, lottery tickets,  
35 policy slips and other items used in the playing phases of lottery and policy schemes are not  
36 gambling devices within this definition;

37 (6) "Gambling record" [means] , any article, instrument, record, receipt, ticket,  
38 certificate, token, slip or notation used or intended to be used in connection with unlawful  
39 gambling activity;

40 (7) "Lottery" or "policy" [means] , an unlawful gambling scheme in which for a  
41 consideration the participants are given an opportunity to win something of value, the award of  
42 which is determined by chance;

43 (8) "Player" [means] , a person who engages in any form of gambling solely as a  
44 contestant or bettor, without receiving or becoming entitled to receive any profit therefrom other  
45 than personal gambling winnings, and without otherwise rendering any material assistance to the  
46 establishment, conduct or operation of the particular gambling activity. A person who gambles  
47 at a social game of chance on equal terms with the other participants therein does not otherwise  
48 render material assistance to the establishment, conduct or operation thereof by performing,  
49 without fee or remuneration, acts directed toward the arrangement or facilitation of the game,  
50 such as inviting persons to play, permitting the use of premises therefor and supplying cards or  
51 other equipment used therein. A person who engages in "bookmaking" as defined in subdivision  
52 (2) of this section is not a "player";

53 (9) "Professional player" [means] , a player who engages in gambling for a livelihood  
54 or who has derived at least twenty percent of his **or her** income in any one year within the past  
55 five years from acting solely as a player;

56 (10) "Profit from gambling activity", a person "profits from gambling activity" if, other  
57 than as a player, he **or she** accepts or receives money or other property pursuant to an agreement  
58 or understanding with any person whereby he participates or is to participate in the proceeds of  
59 gambling activity;

60 (11) "Slot machine" [means] , a gambling device that as a result of the insertion of a coin  
61 or other object operates, either completely automatically or with the aid of some physical act by  
62 the player, in such a manner that, depending upon elements of chance, it may eject something  
63 of value. A device so constructed or readily adaptable or convertible to such use is no less a slot  
64 machine because it is not in working order or because some mechanical act of manipulation or  
65 repair is required to accomplish its adaptation, conversion or workability. Nor is it any less a slot  
66 machine because apart from its use or adaptability as such it may also sell or deliver something  
67 of value on a basis other than chance;

68 (12) "Something of value" [means] , any money or property, any token, object or article  
69 exchangeable for money or property, or any form of credit or promise directly or indirectly  
70 contemplating transfer of money or property or of any interest therein or involving extension of  
71 a service, entertainment or a privilege of playing at a game or scheme without charge;

72 (13) "Unlawful" [means] , not specifically authorized by law.

**572.015. Nothing in this chapter prohibits constitutionally authorized activities  
2 pursuant to article III, sections 39(a) to 39(f) of the Missouri Constitution.**

572.020. 1. A person commits the [crime] **offense** of gambling if he **or she** knowingly  
2 engages in gambling.

3 2. **The offense of** gambling is [a class C misdemeanor] **an infraction** unless:

4 (1) It is committed by a professional player, in which case it is a class [D felony] **A**  
5 **misdemeanor**; or

6 (2) The person knowingly engages in gambling with a [minor] **child less than seventeen**  
7 **years of age**, in which case it is a class B misdemeanor.

572.030. 1. A person commits the [crime] **offense** of promoting gambling in the first  
2 degree if he **or she** knowingly advances or profits from unlawful gambling or lottery activity by:

3 (1) Setting up and operating a gambling device to the extent that more than one hundred  
4 dollars of money is gambled upon or by means of the device in any one day, or setting up and  
5 operating any slot machine; or

6 (2) Engaging in bookmaking to the extent that he **or she** receives or accepts in any one  
7 day more than one bet and a total of more than one hundred dollars in bets; or

8 (3) Receiving in connection with a lottery or policy or enterprise:



9 (a) Money or written records from a person other than a player whose chances or plays  
10 are represented by such money or records; or

11 (b) More than one hundred dollars in any one day of money played in the scheme or  
12 enterprise; or

13 (c) Something of value played in the scheme or enterprise with a fair market value  
14 exceeding one hundred dollars in any one day.

15 2. **The offense of** promoting gambling in the first degree is a class [D] E felony.

572.040. 1. A person commits the [crime] **offense** of promoting gambling in the second  
2 degree if he **or she** knowingly advances or profits from unlawful gambling or lottery activity.

3 2. **The offense of** promoting gambling in the second degree is a class A misdemeanor.

572.050. 1. A person commits the [crime] **offense** of possession of gambling records  
2 in the first degree if, with knowledge of the contents thereof, he **or she** possesses any gambling  
3 record of a kind used:

4 (1) In the operation or promotion of a bookmaking scheme or enterprise, and  
5 constituting, reflecting or representing more than five bets totaling more than five hundred  
6 dollars; or

7 (2) In the operation, promotion or playing of a lottery or policy scheme or enterprise, and  
8 constituting, reflecting or representing more than five hundred plays or chances therein.

9 2. [A person does not commit a crime] **No offense is committed** under subdivision (1)  
10 of subsection 1 of this section if the gambling record possessed by the [defendant] **person**  
11 constituted, reflected or represented **his or her own** bets [of the defendant himself] in a number  
12 not exceeding ten.

13 3. The defendant shall have the burden of injecting the issue under subsection 2.

14 4. **The offense of** possession of gambling records in the first degree is a class [D] E  
15 felony.

572.060. 1. A person commits the [crime] **offense** of possession of gambling records  
2 in the second degree if, with knowledge of the contents thereof, he **or she** possesses any  
3 gambling record of a kind used:

4 (1) In the operation or promotion of a bookmaking scheme or enterprise; or

5 (2) In the operation, promotion or playing of a lottery or policy scheme or enterprise.

6 2. [A person does not commit a crime] **No offense is committed** under subdivision (1)  
7 of subsection 1 of this section if the gambling record possessed by the [defendant] **person**  
8 constituted, reflected or represented bets [of the defendant himself] in a number not exceeding  
9 ten.

10 3. The defendant shall have the burden of injecting the issue under subsection 2.

11 4. **The offense of** possession of gambling records in the second degree is a class A  
12 misdemeanor.

572.070. 1. A person commits the [crime] **offense** of possession of a gambling device if, with knowledge of the character thereof, he **or she** manufactures, sells, transports, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of:

(1) A slot machine; or

(2) Any other gambling device, knowing or having reason to believe that it is to be used in the state of Missouri in the advancement of unlawful gambling activity.

2. **The offense of possession of a gambling device is a class A misdemeanor.**

573.010. As used in this chapter the following terms shall mean:

(1) **"Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or other commercial establishment, regardless of whether alcoholic beverages are served, which regularly features persons who appear semi-nude;**

(2) **"Characterized by", describing the essential character or dominant theme of an item;**

(3) "Child", any person under the age of fourteen;

[(2)] (4) "Child pornography":

(a) Any obscene material or performance depicting sexual conduct, sexual contact **as defined in section 566.010**, or a sexual performance[, as these terms are defined in section 556.061,] and which has as one of its participants or portrays as an observer of such conduct, contact, or performance a minor [under the age of eighteen]; or

(b) Any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct where:

a. The production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

b. Such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct, **in that the depiction is such that an ordinary person viewing the depiction would conclude that the depiction is of an actual minor engaged in sexually explicit conduct;** or

c. Such visual depiction has been created, adapted, or modified to show that an identifiable minor is engaging in sexually explicit conduct. **"Identifiable minor" means a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting, or modifying the visual depiction; and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature. The term "identifiable minor" shall not be construed to require proof of the actual identity of the identifiable minor;**

30        [(3) "Displays publicly", exposing, placing, posting, exhibiting, or in any fashion  
31 displaying in any location, whether public or private, an item in such a manner that it may be  
32 readily seen and its content or character distinguished by normal unaided vision viewing it from  
33 a street, highway or public sidewalk, or from the property of others or from any portion of the  
34 person's store, or the exhibitor's store or property when items and material other than this  
35 material are offered for sale or rent to the public;

36        (4)] (5) **"Employ", "employee", or "employment", means any person who performs**  
37 **any service on the premises of a sexually oriented business, on a full-time, part-time, or**  
38 **contract basis, whether or not the person is denominated an employee, independent**  
39 **contractor, agent, or otherwise. Employee does not include a person exclusively on the**  
40 **premises for repair or maintenance of the premises or for the delivery of goods to the**  
41 **premises;**

42        (6) "Explicit sexual material", any pictorial or three-dimensional material depicting  
43 human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation  
44 or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of postpubertal  
45 human genitals; provided, however, that works of art or of anthropological significance shall not  
46 be deemed to be within the foregoing definition;

47        [(5)] (7) "Furnish", to issue, sell, give, provide, lend, mail, deliver, transfer, circulate,  
48 disseminate, present, exhibit or otherwise provide;

49        [(6) "Graphic", when used with respect to a depiction of sexually explicit conduct, that  
50 a viewer can observe any part of the genitals or pubic area of any depicted person or animal  
51 during any part of the time that the sexually explicit conduct is being depicted;

52        (7) "Identifiable minor":

53        (a) A person:

54            a. (i) Who was a minor at the time the visual depiction was created, adapted, or  
55 modified; or

56            (ii) Whose image as a minor was used in creating, adapting, or modifying the visual  
57 depiction; and

58            b. Who is recognizable as an actual person by the person's face, likeness, or other  
59 distinguishing characteristic, such as a unique birthmark or other recognizable feature; and

60        (b) The term shall not be construed to require proof of the actual identity of the  
61 identifiable minor;

62        (8) "Indistinguishable", when used with respect to a depiction, virtually  
63 indistinguishable, in that the depiction is such that an ordinary person viewing the depiction  
64 would conclude that the depiction is of an actual minor engaged in sexually explicit conduct.  
65 Indistinguishable does not apply to depictions that are drawings, cartoons, sculptures, or  
66 paintings depicting minors or adults;

67           (9)] (8) "Material", anything printed or written, or any picture, drawing, photograph,  
68 motion picture film, videotape or videotape production, or pictorial representation, or any  
69 recording or transcription, or any mechanical, chemical, or electrical reproduction, or stored  
70 computer data, or anything which is or may be used as a means of communication. Material  
71 includes undeveloped photographs, molds, printing plates, stored computer data and other latent  
72 representational objects;

73           [(10)] (9) "Minor", any person [under the age of] **less than eighteen years of age**;

74           [(11)] (10) "Nudity" or **"state of nudity"**, the showing of [postpubertal] **the** human  
75 genitals [or] , pubic area, **vulva, anus, anal cleft, or the female breast** with less than a fully  
76 opaque covering **of any part of the nipple or areola**;

77           [(12)] (11) "Obscene", any **comment, request, suggestion**, material, or performance [is  
78 obscene] if, taken as a whole:

79           (a) Applying contemporary community standards, its predominant appeal is to prurient  
80 interest in sex; and

81           (b) The average person, applying contemporary community standards, would find the  
82 material depicts or describes sexual conduct in a patently offensive way; and

83           (c) A reasonable person would find the material lacks serious literary, artistic, political  
84 or scientific value;

85           (12) **"Operator", any person on the premises of a sexually oriented business who**  
86 **causes the business to function or who puts or keeps in operation the business or who is**  
87 **authorized to manage the business or exercise overall operational control of the business**  
88 **premises. A person may be found to be operating or causing to be operated a sexually**  
89 **oriented business whether or not such person is an owner, part owner, or licensee of the**  
90 **business**;

91           (13) "Performance", any play, motion picture film, videotape, dance or exhibition  
92 performed before an audience of one or more;

93           (14) "Pornographic for minors", any material or performance [is pornographic for  
94 minors] if the following apply:

95           (a) The average person, applying contemporary community standards, would find that  
96 the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient  
97 interest of minors; and

98           (b) The material or performance depicts or describes nudity, sexual conduct, [sexual  
99 excitement] **the condition of human genitals when in a state of sexual stimulation or**  
100 **arousal**, or sadomasochistic abuse in a way which is patently offensive to the average person  
101 applying contemporary adult community standards with respect to what is suitable for minors;  
102 and

103           (c) The material or performance, taken as a whole, lacks serious literary, artistic,  
104 political, or scientific value for minors;

(15) **"Premises", the real property upon which a sexually oriented business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented business, the grounds, private walkways, and parking lots or parking garages or both;**

(16) **"Promote", to manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same, by any means including a computer;**

(17) **"Regularly, the consistent and repeated doing of the act so described;**

[(16)] (18) **"Sadomasochistic abuse", flagellation or torture by or upon a person as an act of sexual stimulation or gratification;**

(19) **"Semi-nude" or "state of semi-nudity", the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at such point, or the showing of the male or female buttocks. Such definition includes the lower portion of the human female breast, but shall not include any portion of the cleavage of the female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part;**

[(17)] (20) **"Sexual conduct", actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification;**

[(18)] (21) **"Sexually explicit conduct", actual or simulated:**

(a) **Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;**

(b) **Bestiality;**

(c) **Masturbation;**

(d) **Sadistic or masochistic abuse; or**

(e) **Lascivious exhibition of the genitals or pubic area of any person;**

[(19)] (22) **"Sexual excitement", the condition of human male or female genitals when in a state of sexual stimulation or arousal;**

(20)] (22) **"Sexually oriented business" includes:**

(a) **An adult bookstore or adult video store. "Adult bookstore" or "adult video store" means a commercial establishment which, as one of its principal business activities, offers for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the display of specified**

sexual activities or specified anatomical areas. A "principal business activity" exists where the commercial establishment:

a. Has a substantial portion of its displayed merchandise which consists of such items; or

b. Has a substantial portion of the wholesale value of its displayed merchandise which consists of such items; or

c. Has a substantial portion of the retail value of its displayed merchandise which consists of such items; or

d. Derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of such items; or

e. Maintains a substantial section of its interior business space for the sale or rental of such items; or

f. Maintains an adult arcade. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are characterized by their emphasis upon matter exhibiting specified sexual activities or specified anatomical areas;

(b) An adult cabaret;

(c) An adult motion picture theater. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five persons for any form of consideration;

(d) A semi-nude model studio. "Semi-nude model studio" means a place where persons regularly appear in a state of semi-nudity for money or any form of consideration in order to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. Such definition shall not apply to any place where persons appearing in a state of semi-nudity do so in a modeling class operated:

a. By a college, junior college, or university supported entirely or partly by taxation;

b. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or

c. In a structure:

i. Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

180           **ii. Where, in order to participate in a class, a student must enroll at least three days**  
181 **in advance of the class;**

182           **(e) A sexual encounter center. "Sexual encounter center" means a business or**  
183 **commercial enterprise that, as one of its principal purposes, purports to offer for any form**  
184 **of consideration physical contact in the form of wrestling or tumbling between two or more**  
185 **persons when one or more of the persons is semi-nude;**

186           **(23) "Sexual performance", any performance, or part thereof, which includes**  
187 **sexual conduct by a child who is less than seventeen years of age;**

188           **(24) "Specified anatomical areas" include:**

189           **(a) Less than completely and opaquely covered: human genitals, pubic region,**  
190 **buttock, and female breast below a point immediately above the top of the areola; and**

191           **(b) Human male genitals in a discernibly turgid state, even if completely and**  
192 **opaquely covered;**

193           **(25) "Specified sexual activity", includes any of the following:**

194           **(a) Intercourse, oral copulation, masturbation, or sodomy; or**

195           **(b) Excretory functions as a part of or in connection with any of the activities**  
196 **described in paragraph (a) of this subdivision;**

197           **(26) "Substantial", at least thirty percent of the item or items so modified;**

198           **(27) "Visual depiction", includes undeveloped film and videotape, and data stored on**  
199 **computer disk or by electronic means which is capable of conversion into a visual image[;**

200           **(21) "Wholesale promote", to manufacture, issue, sell, provide, mail, deliver, transfer,**  
201 **transmute, publish, distribute, circulate, disseminate, or to offer or agree to do the same for**  
202 **purposes of resale or redistribution].**

          573.020. 1. A person commits the [crime] **offense** of promoting obscenity in the first  
2 degree if **he or she**:

3           **(1) [He or she] Wholesale promotes or possesses with the purpose to wholesale promote**  
4 **any obscene material; or**

5           **(2) [He or she] Wholesale promotes for minors or possesses with the purpose to**  
6 **wholesale promote for minors any material pornographic for minors; or**

7           **(3) [He or she] Promotes, wholesale promotes or possesses with the purpose to**  
8 **wholesale promote for minors material that is pornographic for minors via computer, Internet**  
9 **or computer network if the person made the matter available to a specific individual known by**  
10 **the defendant to be a minor.**

11           **2. The offense of promoting obscenity in the first degree is a class [D] E felony.**

12           **3. As used in this section, "wholesale promote" means to manufacture, issue, sell,**  
13 **provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, or**  
14 **to offer or agree to do the same for purposes of resale or redistribution.**

573.023. 1. A person commits the [crime] **offense** of sexual exploitation of a minor if  
2 such person knowingly or recklessly photographs, films, videotapes, produces or otherwise  
3 creates obscene material with a minor or child pornography.

4 2. **The offense of** sexual exploitation of a minor is a class B felony unless the minor is  
5 a child, in which case it is a class A felony.

573.025. 1. A person commits the [crime] **offense** of promoting child pornography in  
2 the first degree if [such person] **he or she** possesses with the intent to promote or promotes child  
3 pornography of a child less than fourteen years [of age] **old** or obscene material portraying what  
4 appears to be a child less than fourteen years [of age] **old**.

5 2. **The offense of** promoting child pornography in the first degree is a class B felony  
6 unless the person knowingly promotes such material to a minor, in which case it is a class A  
7 felony. No person who [pleads guilty to or is] **has been** found guilty of[, or is convicted of,]  
8 promoting child pornography in the first degree shall be eligible for probation, parole, or  
9 conditional release for a period of three calendar years.

10 3. Nothing in this section shall be construed to require a provider of electronic  
11 communication services or remote computing services to monitor any user, subscriber or  
12 customer of the provider, or the content of any communication of any user, subscriber or  
13 customer of the provider.

573.030. 1. A person commits the [crime] **offense** of promoting pornography for minors  
2 or obscenity in the second degree if he or she:

3 (1) Promotes or possesses with the purpose to promote any obscene material for  
4 pecuniary gain; or

5 (2) Produces, presents, directs or participates in any obscene performance for pecuniary  
6 gain; or

7 (3) Promotes or possesses with the purpose to promote any material pornographic for  
8 minors for pecuniary gain; or

9 (4) Produces, presents, directs or participates in any performance pornographic for  
10 minors for pecuniary gain; or

11 (5) Promotes, possesses with the purpose to promote, produces, presents, directs or  
12 participates in any performance that is pornographic for minors via computer, electronic transfer,  
13 internet or computer network if the person made the matter available to a specific individual  
14 known by the defendant to be a minor.

15 2. **The offense of** promoting pornography for minors or obscenity in the second degree  
16 is a class A misdemeanor unless the person has [pleaded guilty to or has] been found guilty of  
17 an offense pursuant to this section committed at a different time, in which case it is a class [D]  
18 **E** felony.

573.035. 1. A person commits the [crime] **offense** of promoting child pornography in  
2 the second degree if such person possesses with the intent to promote or promotes child



3 pornography of a minor [under the age of] **less than eighteen years of age** or obscene material  
4 portraying what appears to be a minor [under the age of] **less than eighteen years of age**.

5       2. **The offense of** promoting child pornography in the second degree is a class [C] **D**  
6 felony unless the person knowingly promotes such material to a minor, in which case it is a class  
7 B felony. No person who is found guilty of[, pleads guilty to, or is convicted of] promoting child  
8 pornography in the second degree shall be eligible for probation.

573.037. 1. A person commits the [crime] **offense** of possession of child pornography  
2 if such person knowingly or recklessly possesses any child pornography of a minor under the age  
3 of eighteen or obscene material portraying what appears to be a minor [under the age of] **less**  
4 **than eighteen old**.

5       2. **The offense of** possession of child pornography is a class [C] **D** felony unless the  
6 person possesses more than twenty still images of child pornography, possesses one motion  
7 picture, film, videotape, videotape production, or other moving image of child pornography, or  
8 has [pleaded guilty to or has] been found guilty of an offense under this section, in which case  
9 it is a class B felony.

573.040. 1. A person commits the [crime] **offense** of furnishing pornographic material  
2 to minors if he or she:

3       (1) Furnishes any material pornographic for minors, knowing that the person to whom  
4 it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a  
5 minor; or

6       (2) Produces, presents, directs or participates in any performance pornographic for  
7 minors that is furnished to a minor knowing that any person viewing such performance is a minor  
8 or acting in reckless disregard of the likelihood that a minor is viewing the performance; or

9       (3) Furnishes, produces, presents, directs, participates in any performance or otherwise  
10 makes available material that is pornographic for minors via computer, electronic transfer,  
11 Internet or computer network if the person made the matter available to a specific individual  
12 known by the [defendant] **person** to be a minor.

13       2. It is not an affirmative defense to a prosecution for a violation of this section that the  
14 person being furnished the pornographic material is a peace officer masquerading as a minor.

15       3. **The offense of** furnishing pornographic material to minors or attempting to furnish  
16 pornographic material to minors is a class A misdemeanor unless the person has [pleaded guilty  
17 to or has] been found guilty of an offense committed at a different time pursuant to this chapter,  
18 chapter 566 or chapter 568, in which case it is a class [D] **E** felony.

573.050. 1. In any prosecution under this chapter evidence shall be admissible to show:

2       (1) What the predominant appeal of the material or performance would be for ordinary  
3 adults or minors;

4       (2) The literary, artistic, political or scientific value of the material or performance;

5       (3) The degree of public acceptance in this state and in the local community;

6 (4) The appeal to prurient interest in advertising or other promotion of the material or  
7 performance;

8 (5) The purpose of the author, creator, promoter, furnisher or publisher of the material  
9 or performance.

10 2. Testimony of the author, creator, promoter, furnisher, publisher, or expert testimony,  
11 relating to factors entering into the determination of the issues of obscenity or child pornography,  
12 shall be admissible.

13 3. In any prosecution [for possession of child pornography or promoting child  
14 pornography in the first or second degree, the determination that the person who participated in  
15 the child pornography was younger than eighteen years of age may be made as set forth in section  
16 568.100, or reasonable inferences drawn by a judge or jury after viewing the alleged  
17 pornographic material shall constitute sufficient evidence of the child's age to support a  
18 conviction] **under this chapter, when it becomes necessary to determine whether a person**  
19 **was less than seventeen or eighteen years old, the court or jury may make this**  
20 **determination by any of the following methods:**

21 (1) **Personal inspection of the child;**

22 (2) **Inspection of the photograph or motion picture that shows the child engaging**  
23 **in the sexual performance;**

24 (3) **Oral testimony by a witness to the sexual performance as to the age of the child**  
25 **based on the child's appearance at the time;**

26 (4) **Expert medical testimony based on the appearance of the child engaging in the**  
27 **sexual performance; or**

28 (5) **Any other method authorized by law or by the rules of evidence.**

29 4. In any prosecution for promoting child pornography in the first or second degree, no  
30 showing is required that the performance or material involved appeals to prurient interest, that  
31 it lacks serious literary, artistic, political or scientific value, or that it is patently offensive to  
32 prevailing standards in the community as a whole.

573.052. Upon receipt of any information that child pornography as defined in section  
2 573.010 is contained on a website, the attorney general shall investigate such information. If the  
3 attorney general has probable cause to believe the website contains child pornography, the  
4 attorney general shall notify a website operator of any child pornography site residing on that  
5 website operator's server, in writing. If the website operator promptly, but in no event longer  
6 than five days after receiving notice, removes the alleged pornography from its server, and so  
7 long as the website operator is not the purveyor of such child pornography, it shall be immune  
8 from civil liability. If the website operator does not promptly remove the alleged pornography,  
9 the attorney general may seek an injunction pursuant to section 573.070 to remove the child  
10 pornography site from the website operator's server. This section shall not be construed to create  
11 any defense to any criminal charges brought pursuant to this chapter [or chapter 568].

573.060. 1. A person commits the [crime] **offense** of public display of explicit sexual material if he [knowingly] or **she** recklessly:

(1) [Displays publicly] **Exposes, places, exhibits, or in any fashion, displays** explicit sexual material **in any location, whether public or private, and in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision as viewed from a street, highway, public sidewalk, or the property of others, or from any portion of the person's store, the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public;** or

(2) Fails to take prompt action to remove such a display from property in his **or her** possession after learning of its existence.

2. **The offense of** public display of explicit sexual material is a class A misdemeanor unless the person has [pleaded guilty to or has] been found guilty of an offense under this section committed at a different time, in which case it is a class [D] **E** felony.

3. For purposes of this section, each day there is a violation of this section shall constitute a separate offense.

573.065. 1. A person commits the [crime] **offense** of coercing acceptance of obscene material if **he or she**:

(1) [He] Requires acceptance of obscene material as a condition to any sale, allocation, consignment or delivery of any other material; or

(2) [He] Denies any franchise or imposes any penalty, financial or otherwise, by reason of the failure or refusal of any person to accept any material obscene or pornographic for minors.

2. **The offense of** coercing acceptance of obscene material is a class [D] **E** felony.

573.090. 1. Video cassettes or other video reproduction devices, or the jackets, cases or coverings of such video reproduction devices shall be displayed or maintained in a separate area if the same are pornographic for minors as defined in section 573.010, or if:

(1) Taken as a whole and applying contemporary community standards, the average person would find that it has a tendency to cater or appeal to morbid interest in violence for persons [under the age of] **seventeen years of age**; and

(2) It depicts violence in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for persons [under the age of] **less than seventeen years of age**; and

(3) Taken as a whole, it lacks serious literary, artistic, political, or scientific value for persons [under the age of] **less than seventeen years of age**.

2. Any video cassettes or other video reproduction devices meeting the description in subsection 1 of this section shall not be rented or sold to a person [under the age of] **less than seventeen years of age**.

3. [Any] Violation of the provisions of subsection 1 or 2 of this section shall be punishable as an infraction, unless such violation constitutes furnishing pornographic materials

17 to minors as defined in section 573.040, in which case it shall be punishable as a class A  
18 misdemeanor or class [D] E felony as prescribed in section 573.040, or unless such violation  
19 constitutes promoting obscenity in the second degree as defined in section 573.030, in which  
20 case it shall be punishable as a class A misdemeanor or class [D] E felony as prescribed in  
21 section 573.030.

573.100. 1. As used in this section, the [following terms mean:

2 (1) **term "indecent"**[,] **means** language or material that depicts or describes, in terms  
3 patently offensive as measured by contemporary community standards, sexual or excretory  
4 activities or organs[;

5 (2) "Obscene", any comment, request, suggestion or proposal is obscene if:

6 (a) Applying contemporary community standards, its predominant appeal is to prurient  
7 interest in sex; and

8 (b) Taken as a whole with respect to the average person, applying contemporary  
9 community standards, it depicts or describes sexual conduct in a patently offensive way; and

10 (c) Taken as a whole, it lacks serious literary, artistic, political or scientific value.  
11 Obscenity shall be judged with reference to its impact upon ordinary adults].

12 2. [It shall be unlawful for any] **A person commits the offense of obscene or indecent**  
13 **commercial messaging if he or she**, by means of a telephone communication for commercial  
14 purposes, [to make] **makes** directly or by means of an electronic recording device, any comment,  
15 request, suggestion, or proposal which is obscene or indecent; **or knowingly permits any**  
16 **telephone or telephone facility connected to a local exchange telephone under such person's**  
17 **control to be used for obscene or indecent commercial messaging.** Any person who makes  
18 any such comment, request, suggestion, or proposal shall be in violation of the provisions of this  
19 section regardless of whether such person placed or initiated the telephone call.

20 3. [It shall be unlawful for any person to permit knowingly any telephone or telephone  
21 facility connected to a local exchange telephone under such person's control to be used for any  
22 purpose prohibited by subsection 2 of this section.

23 4. Any person who violates any provision of this section is guilty of] **The offense of**  
24 **obscene or indecent commercial messaging is** a class A misdemeanor unless such person has  
25 [pleaded guilty to or has] been found guilty of the same offense committed at a different time,  
26 in which case the violation is a class [D] E felony. For purposes of this subsection, each  
27 violation constitutes a separate offense.

28 [5.] **4.** The prohibitions and penalties contained herein are not applicable to a  
29 telecommunications company as defined in section 386.020 over whose facilities prohibited  
30 communications may be transmitted.

[568.080.] **573.200.** 1. A person commits the [crime] **offense** of use of a child in a  
2 sexual performance if, knowing the character and content thereof, the person employs,  
3 authorizes, or induces a child less than [seventeen] **eighteen** years of age to engage in a [sexual]

4 performance **which includes sexual conduct** or, being a parent, legal guardian, or custodian of  
5 such child, consents to the participation by such child in such sexual performance.

6       2. **The offense of** use of a child in a sexual performance is a class C felony, unless in the  
7 course thereof the person inflicts serious emotional injury on the child, in which case the [crime]  
8 **offense** is a class B felony.

9       3. **The court shall not grant a suspended imposition of sentence or a suspended**  
10 **execution of sentence to a person who has previously been found guilty of an offense under**  
11 **this section.**

      [568.090.] **573.205.** 1. A person commits the [crime] **offense** of promoting a sexual  
2 performance **by a child** if, knowing the character and content thereof, the person promotes a  
3 [sexual] performance **which includes sexual conduct** by a child less than [seventeen] **eighteen**  
4 years of age or produces, **or** directs[, or promotes] any performance which includes sexual  
5 conduct by a child less than [seventeen] **eighteen** years of age.

6       2. **The offense of** promoting a sexual performance **by a child** is a class C felony.

7       3. **The court shall not grant a suspended imposition of sentence or a suspended**  
8 **execution of sentence to a person who has previously been found guilty of an offense under**  
9 **this section.**

      [568.110.] **573.215.** 1. [Any] **A person commits the offense of failure to report child**  
2 **pornography if he or she being a** film and photographic print processor, computer provider,  
3 installer or repair person, or any Internet service provider who has knowledge of or observes,  
4 within the scope of the person's professional capacity or employment, any film, photograph,  
5 videotape, negative, slide, or computer-generated image or picture depicting a child under [the  
6 age of] eighteen years **of age** engaged in an act of sexual conduct [shall] **fails to** report such  
7 instance to [the] **any** law enforcement agency [having jurisdiction over the case] immediately  
8 or as soon as practically possible.

9       2. **The offense of** failure to [make such report shall be] **report child pornography is**  
10 **a class B misdemeanor.**

11       3. Nothing in this section shall be construed to require a provider of electronic  
12 communication services or remote computing services to monitor any user, subscriber or  
13 customer of the provider, or the content of any communication of any user, subscriber or  
14 customer of the provider.

      573.509. 1. No person less than nineteen years [of age] **old** shall dance in an adult  
2 cabaret [as defined in section 573.500], nor shall any proprietor of such establishment permit any  
3 person less than nineteen years [of age] **old** to dance in an adult cabaret.

4       2. [Any person who violates the provisions of subsection 1] **Violation** of this section is  
5 [guilty of] a class A misdemeanor.

      573.531. 1. No person shall establish a sexually oriented business within one thousand  
2 feet of any preexisting primary or secondary school, house of worship, state-licensed day care

3 facility, public library, public park, residence, or other sexually oriented business. This  
4 subsection shall not apply to any sexually oriented business lawfully established prior to  
5 August 28, 2010. For purposes of this subsection, measurements shall be made in a straight line,  
6 without regard to intervening structures or objects, from the closest portion of the parcel  
7 containing the sexually oriented business to the closest portion of the parcel containing the  
8 preexisting primary or secondary school, house of worship, state-licensed day care facility, public  
9 library, public park, residence, or other sexually oriented business.

10 2. No person shall establish a sexually oriented business if a person with an influential  
11 interest in the sexually oriented business has been [convicted of or pled guilty or nolo contendere  
12 to a specified criminal act] **found guilty of any of the following specified offenses for which**  
13 **less than eight years has elapsed since the date of conviction or the date of release from**  
14 **confinement for the conviction, whichever is later:**

15 (1) **Rape and sexual assault offenses;**

16 (2) **Sexual offenses involving minors;**

17 (3) **Offenses involving prostitution;**

18 (4) **Obscenity offenses;**

19 (5) **Offenses involving money laundering;**

20 (6) **Offenses involving tax evasion;**

21 (7) **Any attempt, solicitation, or conspiracy to commit one of the offenses listed in**  
22 **subdivisions (1) to (6) of this subsection; or**

23 (8) **Any offense committed in another jurisdiction which if committed in this state**  
24 **would have constituted an offense listed in subdivisions (1) to (7) of this subsection.**

25 3. No person shall knowingly or intentionally, in a sexually oriented business, appear in  
26 a state of nudity.

27 4. No employee shall knowingly or intentionally, in a sexually oriented business, appear  
28 in a semi-nude condition unless the employee, while semi-nude, shall be and remain on a fixed  
29 stage at least six feet from all patrons and at least eighteen inches from the floor in a room of at  
30 least six hundred square feet.

31 5. No employee, who appears in a semi-nude condition in a sexually oriented business,  
32 shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented  
33 business.

34 6. A sexually oriented business, which exhibits on the premises, through any mechanical  
35 or electronic image-producing device, a film, video cassette, digital video disc, or other video  
36 reproduction, characterized by an emphasis on the display of specified sexual activities or  
37 specified anatomical areas shall comply with the following requirements:

38 (1) The interior of the premises shall be configured in such a manner that there is an  
39 unobstructed view from an operator's station of every area of the premises, including the interior

40 of each viewing room but excluding restrooms, to which any patron is permitted access for any  
41 purpose;

42 (2) An operator's station shall not exceed thirty-two square feet of floor area;

43 (3) If the premises has two or more operator's stations designated, the interior of the  
44 premises shall be configured in such a manner that there is an unobstructed view of each area of  
45 the premises to which any patron is permitted access for any purpose from at least one of the  
46 operator's stations;

47 (4) The view required under this subsection shall be by direct line of sight from the  
48 operator's station;

49 (5) It is the duty of the operator to ensure that at least one employee is on duty and  
50 situated in an operator's station at all times that any patron is on the portion of the premises  
51 monitored by such operator station; and

52 (6) It shall be the duty of the operator and of any employees present on the premises to  
53 ensure that the view area specified in this subsection remains unobstructed by any doors,  
54 curtains, walls, merchandise, display racks, or other materials or enclosures at all times that any  
55 patron is present on the premises.

56 7. Sexually oriented businesses that do not have stages or interior configurations which  
57 meet at least the minimum requirements of sections 573.525 to 573.537 shall be given one  
58 hundred eighty days after August 28, 2010, to comply with the stage and building requirements  
59 of sections 573.525 to 573.537. During such one hundred eighty-day period, any employee who  
60 appears within view of any patron in a semi-nude condition shall remain, while semi-nude, at  
61 least six feet from all patrons.

62 8. No operator shall allow or permit a sexually oriented business to be or remain open  
63 between the hours of 12:00 midnight and 6:00 a.m. on any day.

64 9. No person shall knowingly or intentionally sell, use, or consume alcoholic beverages  
65 on the premises of a sexually oriented business.

66 10. No person shall knowingly allow a person under the age of eighteen years on the  
67 premises of a sexually oriented business.

68 **11. As used in this section the following terms mean:**

69 **(1) "Establish" or "establishment", includes any of the following:**

70 **(a) The opening or commencement of any sexually oriented business as a new**  
71 **business;**

72 **(b) The conversion of an existing business, whether or not a sexually oriented**  
73 **business, to any sexually oriented business; or**

74 **(c) The addition of any sexually oriented business to any other existing sexually**  
75 **oriented business;**

76 **(2) "Influential interest", includes any of the following:**

77           **(a) The actual power to operate a sexually oriented business or control the**  
78 **operation, management, or policies of a sexually oriented business or legal entity which**  
79 **operates a sexually oriented business;**

80           **(b) Ownership of a financial interest of thirty percent or more of a business or of**  
81 **any class of voting securities of a business; or**

82           **(c) Holding an office, such as president, vice president, secretary, treasurer,**  
83 **managing member, or managing director, in a legal entity which operates a sexually**  
84 **oriented business;**

85           **(3) "Viewing room", the room, booth, or area where a patron of a sexually oriented**  
86 **business would ordinarily be positioned while watching a film, video cassette, digital video**  
87 **disc, or other video reproduction.**

**574.005. 1. As used in this chapter the following terms mean:**

2           **(1) "Property of another", any property in which the person does not have a**  
3 **possessory interest;**

4           **(2) "Private property", any place which at the time of the offense is not open to the**  
5 **public. It includes property which is owned publicly or privately;**

6           **(3) "Public place", any place which at the time of the offense is open to the public.**  
7 **It includes property which is owned publicly or privately.**

**574.010. 1. A person commits the [crime] offense of peace disturbance if he or she:**

2           **(1) [He] Unreasonably and knowingly disturbs or alarms another person or persons by:**

3           **(a) Loud noise; or**

4           **(b) Offensive language addressed in a face-to-face manner to a specific individual and**  
5 **uttered under circumstances which are likely to produce an immediate violent response from a**  
6 **reasonable recipient; or**

7           **(c) Threatening to commit a felonious act against any person under circumstances which**  
8 **are likely to cause a reasonable person to fear that such threat may be carried out; or**

9           **(d) Fighting; or**

10          **(e) Creating a noxious and offensive odor;**

11          **(2) [He] Is in a public place or on private property of another without consent and**  
12 **purposely causes inconvenience to another person or persons by unreasonably and physically**  
13 **obstructing:**

14          **(a) Vehicular or pedestrian traffic; or**

15          **(b) The free ingress or egress to or from a public or private place.**

16          **2. The offense of peace disturbance is a class B misdemeanor upon the first conviction.**  
17 **Upon a second or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a**  
18 **third or subsequent conviction, a person shall be sentenced to pay a fine of no less than one**  
19 **thousand dollars and no more than five thousand dollars.**



574.020. 1. A person commits the [crime] **offense** of private peace disturbance if he **or she** is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

(1) Threatening to commit [a crime] **an offense** against any person; or

(2) Fighting.

2. **The offense of** private peace disturbance is a class C misdemeanor.

3. **For purposes of this section, if a building or structure is divided into separately occupied units, such units are separate premises.**

574.040. 1. A person commits the [crime] **offense** of unlawful assembly if he **or she** knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence.

2. **The offense of** unlawful assembly is a class B misdemeanor.

574.050. 1. A person commits the [crime] **offense** of rioting if he **or she** knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence, and thereafter, while still so assembled, does violate any of said laws with force or violence.

2. **The offense of** rioting is a class A misdemeanor.

574.060. 1. A person commits the [crime] **offense** of refusal to disperse if, being present at the scene of an unlawful assembly, or at the scene of a riot, he **or she** knowingly fails or refuses to obey the lawful command of a law enforcement officer to depart from the scene of such unlawful assembly or riot.

2. **The offense of** refusal to disperse is a class C misdemeanor.

574.070. 1. As used in this section, the following terms mean:

(1) "Civil disorder", any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual;

(2) "Explosive or incendiary device", includes:

(a) Dynamite and all other forms of high explosives;

(b) Any explosive bomb, grenade, missile, or similar device; and

(c) Any incendiary bomb or grenade, fire bomb, or similar device, including any device which consists of or includes a breakable container containing a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting such flammable liquid or compound, and can be carried or thrown by one individual acting alone;

(3) "Firearm", any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive, or the frame or receiver of any such weapon;

(4) "Law enforcement officer", any officer or employee of the United States, any state, any political subdivision of a state, or the District of Columbia. The term "law enforcement officer" shall specifically include, but shall not be limited to, members of the National Guard,

17 as defined in section 101(9) of title 10, United States Code, and members of the organized militia  
18 of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District  
19 of Columbia, not included within the definition of National Guard as defined by section 101(9)  
20 of title 10, United States Code, and members of the armed forces of the United States.

21       2. [Whoever] **A person commits the offense of promoting civil disorder if he or she**  
22 teaches or demonstrates to any other person the use, application, or construction of any firearm,  
23 explosive, or incendiary device capable of causing injury or death to any person, knowing or  
24 intending that such firearm, explosive, or incendiary device be used in furtherance of a civil  
25 disorder[, is guilty of the crime of promoting civil disorder in the first degree].

26       3. **The offense of promoting civil disorder is a class D felony.**

27       4. Nothing contained in this section shall be construed to prohibit the training or teaching  
28 of the use of weapons for law enforcement purposes, hunting, recreation, competition, or other  
29 lawful uses and activities.

30       [4. Promoting civil disorder in the first degree is a class C felony.]

574.075. [It shall be unlawful for any] 1. **A person [in this state to enter] commits the**  
2 **offense of drunkenness or drinking in a prohibited place if he or she enters** any schoolhouse  
3 or church house in which there is an assemblage of people, met for a lawful purpose, or any  
4 courthouse, in [a drunken or] **an** intoxicated and disorderly condition, or [to drink or offer]  
5 **drinks or offers** to drink any intoxicating liquors in the presence of such assembly of people,  
6 or in any courthouse [within this state and any person or persons so doing shall be guilty of a  
7 misdemeanor; unless, however, the circuit court has by local rule authorized law library  
8 associations to conduct social events after business hours in any courthouse].

9       2. **The offense of drunkenness or drinking in a prohibited place is a class B**  
10 **misdemeanor.**

11       3. **This section shall not apply to law library or bar associations which the circuit**  
12 **court has authorized to conduct social events after business hours in any courthouse.**

[569.070.] 574.080. 1. A person commits the [crime] **offense** of causing catastrophe if  
2 he **or she** knowingly causes a catastrophe by explosion, fire, flood, collapse of a building, release  
3 of poison, radioactive material, bacteria, virus or other dangerous and difficult to confine force  
4 or substance.

5       2. **As used in this section the following terms mean:**

6       (1) "Catastrophe" [means] , death or serious physical injury to ten or more people or  
7 substantial damage to five or more buildings or inhabitable structures or substantial damage to  
8 a vital public facility which seriously impairs its usefulness or operation;

9       (2) **"Vital public facility", includes a facility maintained for use as a bridge,**  
10 **whether over land or water, dam, reservoir, tunnel, communication installation or power**  
11 **station.**

12       3. **The offense of causing catastrophe is a class A felony.**

574.085. 1. A person commits the [crime] **offense** of institutional vandalism [by knowingly vandalizing, defacing or otherwise damaging] **if he or she knowingly vandalizes, defaces, or otherwise damages:**

(1) Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;

(2) Any cemetery, mortuary, military monument or other facility used for the purpose of burial or memorializing the dead;

(3) Any school, educational facility, community center, hospital or medical clinic owned and operated by a religious or sectarian group;

(4) The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection;

(5) Any personal property contained in any institution, facility, building, structure or place described in subdivision (1), (2), or (3) of this subsection; or

(6) Any motor vehicle which is owned, operated, leased or under contract by a school district or a private school for the transportation of school children.

2. **The offense of** institutional vandalism [is punishable as follows:

(1) institutional vandalism] is a class A misdemeanor, [except as provided in subdivisions (2) and (3) of this subsection;

(2) Institutional vandalism is a class D felony if the offender commits any act described in subsection 1 of this section which causes damage to, or loss of, the property of another in an amount in excess of one thousand dollars;

(3) Institutional vandalism is a class C felony if the offender commits any act described in subsection 1 of this section which causes damage to, or loss of, the property of another in an amount in excess of five thousand dollars] **unless the value of the property damage is seven hundred fifty dollars or more, in which case the offense is a class E felony; or the value of the property damage is more than five thousand dollars, in which case the offense is a class D felony.**

3. In determining the amount of damage to property [or loss of property], for purposes of this section, damage includes the cost of repair or, where necessary, replacement of the property that was damaged [or lost].

574.105. 1. As used in this section, the following terms mean:

(1) "Conducts", initiating, concluding or participating in initiating or concluding a transaction;

(2) "Criminal activity", any act or activity constituting an offense punishable as a felony pursuant to the laws of Missouri or the United States;

(3) "Currency", currency and coin of the United States;

(4) "Currency transaction", a transaction involving the physical transfer of currency from one person to another. A transaction which is a transfer of funds by means of bank check, bank

9 draft, wire transfer or other written order, and which does not include the physical transfer of  
10 currency is not a currency transaction;

11 (5) "Person", natural persons, partnerships, trusts, estates, associations, corporations and  
12 all entities cognizable as legal personalities.

13 2. A person commits the [crime] **offense** of money laundering if he **or she**:

14 (1) Conducts or attempts to conduct a currency transaction with the purpose to promote  
15 or aid the carrying on of criminal activity; or

16 (2) Conducts or attempts to conduct a currency transaction with the purpose to conceal  
17 or disguise in whole or in part the nature, location, source, ownership or control of the proceeds  
18 of criminal activity; or

19 (3) Conducts or attempts to conduct a currency transaction with the purpose to avoid  
20 currency transaction reporting requirements under federal law; or

21 (4) Conducts or attempts to conduct a currency transaction with the purpose to promote  
22 or aid the carrying on of criminal activity for the purpose of furthering or making a terrorist  
23 threat or act.

24 3. The [crime] **offense** of money laundering is a class B felony and in addition to  
25 penalties otherwise provided by law, a fine of not more than five hundred thousand dollars or  
26 twice the amount involved in the transaction, whichever is greater, may be assessed.

574.115. 1. A person commits the [crime] **offense** of making a terrorist threat **in the**  
2 **first degree** if such person [communicates a threat to cause an incident or condition involving  
3 danger to life, communicates a knowingly false report of an incident or condition involving  
4 danger to life, or knowingly causes a false belief or fear that an incident has occurred or that a  
5 condition exists involving danger to life:

6 (1) With the purpose of frightening ten or more people;

7 (2) With the purpose of causing the evacuation, quarantine or closure of any portion of  
8 a building, inhabitable structure, place of assembly or facility of transportation; or

9 (3) With reckless disregard of the risk of causing the evacuation, quarantine or closure  
10 of any portion of a building, inhabitable structure, place of assembly or facility of transportation;  
11 or

12 (4) With criminal negligence with regard to the risk of causing the evacuation,  
13 quarantine or closure of any portion of a building, inhabitable structure, place of assembly or  
14 facility of transportation.

15 2. Making a terrorist threat is a class C felony unless committed under subdivision (3)  
16 of subsection 1 of this section in which case it is a class D felony or unless committed under  
17 subdivision (4) of subsection 1 of this section in which case it is a class A misdemeanor.

18 3. For the purpose of this section, "threat" includes an express or implied threat.

19 4. A person who acts in good faith with the purpose to prevent harm does not commit  
20 a crime pursuant to this section.] **with the purpose of frightening ten or more people or**

21 causing the evacuation, quarantine or closure of any portion of a building, inhabitable  
22 structure, place of assembly or facility of transportation and knowingly:

23 (1) Communicates an express or implied threat to cause an incident or condition  
24 involving danger to life; or

25 (2) Communicates a false report of an incident or condition involving danger to life;  
26 or

27 (3) Causes a false belief or fear that an incident has occurred or that a condition  
28 exists involving danger to life.

29 2. The offense of making a terrorist threat in the first degree is a class D felony.

30 3. No offense is committed pursuant to this section by a person acting in good faith  
31 with the purpose to prevent harm.

574.120. 1. A person commits the offense of making a terrorist threat in the second  
2 degree if he or she, recklessly disregards the risk of causing the evacuation, quarantine or  
3 closure of any portion of a building, inhabitable structure, place of assembly or facility of  
4 transportation and knowingly:

5 (1) Communicates an express or implied threat to cause an incident or condition  
6 involving danger to life; or

7 (2) Communicates a false report of an incident or condition involving danger to life;  
8 or

9 (3) Causes a false belief or fear that an incident has occurred or that a condition  
10 exists involving danger to life.

11 2. The offense of making a terrorist threat in the second degree is a class E felony.

12 3. No offense is committed pursuant to this section by a person acting in good faith  
13 with the purpose to prevent harm.

574.125. 1. A person commits the offense of making a terrorist threat in the third  
2 degree if he or she, with criminal negligence with regard to the risk of causing the  
3 evacuation, quarantine or closure of any portion of a building, inhabitable structure, place  
4 of assembly or facility of transportation and knowingly:

5 (1) Communicates an express or implied threat to cause an incident or condition  
6 involving danger to life; or

7 (2) Communicates a knowingly false report of an incident or condition involving  
8 danger to life; or

9 (3) Causes a false belief or fear that an incident has occurred or that a condition  
10 exists involving danger to life.

11 2. The offense of making a terrorist threat in the third degree is a class A  
12 misdemeanor.

13 3. No offense is committed pursuant to this section by a person acting in good faith  
14 with the purpose to prevent harm.

[578.008.] **574.130.** 1. A person commits the [crime] **offense** of agroterrorism if such person purposely spreads any type of contagious, communicable or infectious disease among crops, poultry, livestock as defined in section 267.565, or other animals.

2. Agroterrorism is a class [D] **E** felony unless the damage to crops, poultry, livestock or animals is ten million dollars or more in which case it is a class B felony.

3. It shall be a defense to the crime of agroterrorism if such spreading is consistent with medically recognized therapeutic procedures or done in the course of legitimate, professional scientific research.

[565.095.] **574.140.** 1. [It shall be unlawful for any person or persons with the intent to intimidate any person or group of persons to burn, or cause to be burned, a cross. Any person who shall violate any provision of this section shall be guilty of a class A misdemeanor for a first offense and a class D felony for a second or subsequent offense] **A person commits the offense of cross burning if he or she burns, or causes to be burned, a cross with the purpose to frighten, intimidate, or cause emotional distress to any person or group of persons.**

2. [For purposes of this section, a person acts with the intent to intimidate when he or she intentionally places or attempts to place another person in fear of physical injury or fear of damage to property] **The offense of cross burning is a class A misdemeanor, unless the person has previously been found guilty of an offense under this section, in which case it is a class E felony.**

[578.501.] **574.150.** 1. This section shall be known as "Spc. Edward Lee Myers' Law".

2. [It shall be unlawful for any] **A person [to engage] commits the offense of unlawful funeral protest if he or she engages** in picketing or other protest activities in front of or about any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. [Violation of this section is a class B misdemeanor, unless committed by a person who has previously pled guilty to or been found guilty of a violation of this section, in which case the violation is a class A misdemeanor.]

3. For the purposes of this section, "funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead.

**4. The offense of unlawful funeral protest is a class B misdemeanor, unless committed by a person who has previously been found guilty of a violation of this section, in which case it is a class A misdemeanor.**

[578.502.] **574.151.** 1. This section shall be known as "Spc. Edward Lee Myers' Law".

2. [It shall be unlawful for any] **A person [to engage] commits the offense of unlawful funeral protest if he or she engages** in picketing or other protest activities within three hundred feet of or about any location at which a funeral is held, within one hour prior to the commencement of any funeral, and until one hour following the cessation of any funeral. Each day on which a violation occurs shall constitute a separate offense. [Violation of this section is

7 a class B misdemeanor, unless committed by a person who has previously pled guilty to or been  
8 found guilty of a violation of this section, in which case the violation is a class A misdemeanor.]

9 3. For purposes of this section, "funeral" means the ceremonies, processions, and  
10 memorial services held in connection with the burial or cremation of the dead.

11 **4. The offense of unlawful funeral protest is a class B misdemeanor, unless**  
12 **committed by a person who has previously been found guilty of a violation of this section,**  
13 **in which case it is a class A misdemeanor.**

[578.503.] **574.152.** The enactment of section [578.502] **574.151** shall become effective  
2 only on the date the provisions of section [578.501] **574.150** are finally declared void or  
3 unconstitutional by a court of competent jurisdiction and upon notification by the attorney  
4 general to the revisor of statutes.

575.020. 1. A person commits the [crime] **offense** of concealing an offense if **he or she**:

2 (1) [He] Confers or agrees to confer any pecuniary benefit or other consideration to any  
3 person in consideration of that person's concealing of any offense, refraining from initiating or  
4 aiding in the prosecution of an offense, or withholding any evidence thereof; or

5 (2) [He] Accepts or agrees to accept any pecuniary benefit or other consideration in  
6 consideration of his **or her** concealing any offense, refraining from initiating or aiding in the  
7 prosecution of an offense, or withholding any evidence thereof.

8 2. **The offense of** concealing an offense is a class [D felony if the offense concealed is  
9 a felony; otherwise concealing an offense is a class] A misdemeanor, **unless the offense**  
10 **concealed a felony, in which case concealing an offense is a class E felony.**

575.021. 1. A person commits the [crime] **offense** of obstruction of an ethics  
2 investigation if [such person] **he or she**, for the purpose of obstructing or preventing an ethics  
3 investigation, knowingly [commits any of the following acts]:

4 (1) Confers or agrees to confer anything of pecuniary benefit to any person in direct  
5 exchange for that person's concealing or withholding any information concerning any violation  
6 of sections 105.450 to 105.496 and chapter 130; **or**

7 (2) [Accepting or agreeing] **Accepts or agrees** to accept anything of pecuniary benefit  
8 in direct exchange for concealing or withholding any information concerning any violation of  
9 sections 105.450 to 105.496 or chapter 130; **or**

10 (3) Utters or submits a false statement that the person does not believe to be true to any  
11 member or employee of the Missouri ethics commission or to any official investigating any  
12 violation of sections 105.450 to 105.496 or chapter 130; **or**

13 (4) Submits any writing or other documentation that is inaccurate and that the person  
14 does not believe to be true to any member or employee of the Missouri ethics commission or to  
15 any official investigating any violation of sections 105.450 to 105.496 or chapter 130.

16           2. It is a defense to a prosecution under subdivisions (3) and (4) of subsection 1 of this  
17 section that the person retracted the false statement, writing, or other documentation, but this  
18 defense shall not apply if the retraction was made after:

19           (1) The falsity of the statement, writing, or other documentation was exposed; or

20           (2) Any member or employee of the Missouri ethics commission or any official  
21 investigating any violation of sections 105.450 to 105.496 or chapter 130 took substantial action  
22 in reliance on the statement, writing, or other documentation.

23           3. The defendant shall have the burden of injecting the issue of retraction under this  
24 section.

25           4. **The offense of** obstruction of an ethics investigation [under this section] is a class A  
26 misdemeanor.

              575.030. 1. A person commits the [crime] **offense** of hindering prosecution if, for the  
2 purpose of preventing the apprehension, prosecution, conviction or punishment of another  
3 **person** for conduct constituting [a crime] **an offense**, he **or she**:

4           (1) Harbors or conceals such person; or

5           (2) Warns such person of impending discovery or apprehension, except this does not  
6 apply to a warning given in connection with an effort to bring another into compliance with the  
7 law; or

8           (3) Provides such person with money, transportation, weapon, disguise or other means  
9 to aid him in avoiding discovery or apprehension; or

10           (4) Prevents or obstructs, by means of force, deception or intimidation, anyone from  
11 performing an act that might aid in the discovery or apprehension of such person.

12           2. **The offense of** hindering prosecution is a class [D felony if the conduct of the other  
13 person constitutes a felony; otherwise hindering prosecution is a class] A misdemeanor, **unless**  
14 **the conduct of the other person constitutes a felony, in which case hindering prosecution**  
15 **is a class E felony.**

              575.040. 1. A person commits the [crime] **offense** of perjury if, with the purpose to  
2 deceive, he **or she** knowingly testifies falsely to any material fact upon oath or affirmation legally  
3 administered, in any official proceeding before any court, public body, notary public or other  
4 officer authorized to administer oaths.

5           2. A fact is material, regardless of its admissibility under rules of evidence, if it could  
6 substantially affect, or did substantially affect, the course or outcome of the cause, matter or  
7 proceeding.

8           3. Knowledge of the materiality of the statement is not an element of this crime, and it  
9 is no defense that:

10           (1) The [defendant] **person** mistakenly believed the fact to be immaterial; or

11           (2) The [defendant] **person** was not competent, for reasons other than mental disability  
12 or immaturity, to make the statement.



13           4. It is a defense to a prosecution under subsection 1 of this section that the [actor]  
14 **person** retracted the false statement in the course of the official proceeding in which it was made  
15 provided he **or she** did so before the falsity of the statement was exposed. Statements made in  
16 separate hearings at separate stages of the same proceeding, including but not limited to  
17 statements made before a grand jury, at a preliminary hearing, at a deposition or at previous trial,  
18 are made in the course of the same proceeding.

19           5. The defendant shall have the burden of injecting the issue of retraction under  
20 subsection 4 of this section.

21           6. **The offense of** perjury committed in any proceeding not involving a felony charge is  
22 a class [D] **E** felony.

23           7. **The offense of** perjury committed in any proceeding involving a felony charge is a  
24 class [C] **D** felony unless:

25           (1) It is committed during a criminal trial for the purpose of securing the conviction of  
26 an accused for **any felony except** murder, in which case it is a class [A] **B** felony; or

27           (2) It is committed during a criminal trial for the purpose of securing the conviction of  
28 an accused for [any felony except] murder, in which case it is a class [B] **A** felony.

          575.050. 1. A person commits the [crime] **offense** of making a false affidavit if, with  
2 purpose to mislead any person, he **or she**, in any affidavit, swears falsely to a fact which is  
3 material to the purpose for which said affidavit is made.

4           2. The provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions  
5 under subsection 1 of this section.

6           3. It is a defense to a prosecution under subsection 1 of this section that the [actor]  
7 **person** retracted the false statement by affidavit or testimony but this defense shall not apply if  
8 the retraction was made after:

9           (1) The falsity of the statement was exposed; or

10           (2) Any person took substantial action in reliance on the statement.

11           4. The defendant shall have the burden of injecting the issue of retraction under  
12 subsection 3 of this section.

13           5. **The offense of** making a false affidavit is a class [A] **C** misdemeanor [if] , **unless**  
14 done for the purpose of misleading a public servant in the performance of his **or her** duty[;  
15 otherwise making a false affidavit] , **in which case it** is a class [C] **A** misdemeanor.

          575.060. 1. A person commits the [crime] **offense** of making a false declaration if, with  
2 the purpose to mislead a public servant in the performance of his **or her** duty, [he] **such person**:

3           (1) Submits any written false statement, which he **or she** does not believe to be true:

4           (a) In an application for any pecuniary benefit or other consideration; or

5           (b) On a form bearing notice, authorized by law, that false statements made therein are  
6 punishable; or

7           (2) Submits or invites reliance on

8 (a) Any writing which he **or she** knows to be forged, altered or otherwise lacking in  
9 authenticity; or

10 (b) Any sample, specimen, map, boundary mark, or other object which he **or she** knows  
11 to be false.

12 2. The falsity of the statement or the item under subsection 1 of this section must be as  
13 to a fact which is material to the purposes for which the statement is made or the item submitted;  
14 and the provisions of subsections 2 and 3 of section 575.040 shall apply to prosecutions under  
15 subsection 1 of this section.

16 3. It is a defense to a prosecution under subsection 1 of this section that the [actor]  
17 **person** retracted the false statement or item but this defense shall not apply if the retraction was  
18 made after:

19 (1) The falsity of the statement or item was exposed; or

20 (2) The public servant took substantial action in reliance on the statement or item.

21 4. The defendant shall have the burden of injecting the issue of retraction under  
22 subsection 3 of this section.

23 5. For the purpose of this section, "written" shall include filings submitted in an  
24 electronic or other format or medium approved or prescribed by the secretary of state.

25 6. **The offense of** making a false declaration is a class B misdemeanor.

575.070. No person shall be convicted of a violation of sections 575.040, 575.050 or  
2 575.060 based upon the making of a false statement except upon proof of the falsity of the  
3 statement by:

4 (1) The direct evidence of two witnesses; or

5 (2) The direct evidence of one witness together with strongly corroborating  
6 circumstances; or

7 (3) Demonstrative evidence which conclusively proves the falsity of the statement; or

8 (4) A directly contradictory statement by the defendant under oath together with:

9 (a) The direct evidence of one witness; or

10 (b) Strongly corroborating circumstances; or

11 (5) A judicial admission by the defendant that he **or she** made the statement knowing  
12 it was false. An admission, which is not a judicial admission, by the defendant that he **or she**  
13 made the statement knowing it was false may constitute strongly corroborating circumstances.

575.080. 1. A person commits the [crime] **offense** of making a false report if he **or she**  
2 knowingly:

3 (1) Gives false information to any person for the purpose of implicating another person  
4 in [a crime] **an offense**; or

5 (2) Makes a false report to a law enforcement officer that [a crime] **an offense** has  
6 occurred or is about to occur; or

7 (3) Makes a false report or causes a false report to be made to a law enforcement officer,  
8 security officer, fire department or other organization, official or volunteer, which deals with  
9 emergencies involving danger to life or property that a fire or other incident calling for an  
10 emergency response has occurred or is about to occur.

11 2. It is a defense to a prosecution under subsection 1 of this section that the [actor]  
12 **person** retracted the false statement or report before the law enforcement officer or any other  
13 person took substantial action in reliance thereon.

14 3. The defendant shall have the burden of injecting the issue of retraction under  
15 subsection 2 of this section.

16 4. **The offense of** making a false report is a class B misdemeanor.

575.090. 1. A person commits the [crime] **offense** of making a false bomb report if he  
2 **or she** knowingly makes a false report or causes a false report to be made to any person that a  
3 bomb or other explosive has been placed in any public or private place or vehicle.

4 2. Making a false bomb report is a class [D] **E** felony.

[565.084.] **575.095.** 1. A person commits the [crime] **offense** of tampering with a  
2 judicial officer if, with the purpose to harass, intimidate or influence a judicial officer in the  
3 performance of such officer's official duties, such person:

4 (1) Threatens or causes harm to such judicial officer or members of such judicial officer's  
5 family;

6 (2) Uses force, threats, or deception against or toward such judicial officer or members  
7 of such judicial officer's family;

8 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial  
9 officer or such judicial officer's family;

10 (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or  
11 such judicial officer's family, including stalking pursuant to section 565.225 **or 565.227.**

12 2. A judicial officer for purposes of this section shall be a judge, arbitrator, special  
13 master, juvenile officer, deputy juvenile officer, state prosecuting or circuit attorney, state  
14 assistant prosecuting or circuit attorney, juvenile court commissioner, state probation or parole  
15 officer, or referee.

16 3. A judicial officer's family for purposes of this section shall be:

17 (1) Such officer's spouse; or

18 (2) Such officer or such officer's spouse's ancestor or descendant by blood or adoption;  
19 or

20 (3) Such officer's stepchild, while the marriage creating that relationship exists.

21 4. **The offense of** tampering with a judicial officer is a class [C] **D** felony.

575.100. 1. A person commits the [crime] **offense** of tampering with physical evidence  
2 if he **or she**:

3 (1) Alters, destroys, suppresses or conceals any record, document or thing with purpose  
4 to impair its verity, legibility or availability in any official proceeding or investigation; or

5 (2) Makes, presents or uses any record, document or thing knowing it to be false with  
6 **the** purpose to mislead a public servant who is or may be engaged in any official proceeding or  
7 investigation.

8 2. **The offense of** tampering with physical evidence is a class [D felony if the actor  
9 impairs or obstructs the prosecution or defense of a felony; otherwise, tampering with physical  
10 evidence is a class] A misdemeanor, **unless the person impairs or obstructs the prosecution**  
11 **or defense of a felony, in which case tampering with physical evidence is a class E felony.**

575.110. 1. A person commits the [crime] **offense** of tampering with a public record if  
2 with the purpose to impair the verity, legibility or availability of a public record, **he or she:**

3 (1) [He] Knowingly makes a false entry in or falsely alters any public record; or

4 (2) Knowing **he or she** lacks authority to do so, [he] destroys, suppresses or conceals any  
5 public record.

6 2. **The offense of** tampering with a public record is a class A misdemeanor.

575.120. 1. A person commits the [crime] **offense** of false impersonation if such person:

2 (1) Falsely represents himself or herself to be a public servant with **the** purpose to induce  
3 another to submit to his or her pretended official authority or to rely upon his or her pretended  
4 official acts, and

5 (a) Performs an act in that pretended capacity; or

6 (b) Causes another to act in reliance upon his or her pretended official authority;

7 (2) Falsely represents himself or herself to be a person licensed to practice or engage in  
8 any profession for which a license is required by the laws of this state with purpose to induce  
9 another to rely upon such representation, and

10 (a) Performs an act in that pretended capacity; or

11 (b) Causes another to act in reliance upon such representation; or

12 (3) Upon being arrested, falsely represents himself or herself, to a law enforcement  
13 officer, with the first and last name, date of birth, or Social Security number, or a substantial  
14 number of identifying factors or characteristics as that of another person that results in the filing  
15 of a report or record of arrest or conviction for an infraction[, misdemeanor, or felony] **or offense**  
16 that contains the first and last name, date of birth, and Social Security number, or a substantial  
17 number of identifying factors or characteristics to that of such other person as to cause such other  
18 person to be identified as the actual person arrested or convicted.

19 2. If a violation of subdivision (3) of subsection 1 of this section is discovered prior to  
20 any conviction of the person actually arrested for an underlying charge, then the prosecuting  
21 attorney, bringing any action on the underlying charge, shall notify the court thereof, and the  
22 court shall order the false-identifying factors ascribed to the person actually arrested as are  
23 contained in the arrest and court records amended to correctly and accurately identify the

24 defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and  
25 court records.

26 3. If a violation of subdivision (3) of subsection 1 of this section is discovered after any  
27 conviction of the person actually arrested for an underlying charge, then the prosecuting attorney  
28 of the county in which the conviction occurred shall file a motion in the underlying case with the  
29 court to correct the arrest and court records after discovery of the fraud upon the court. The court  
30 shall order the false identifying factors ascribed to the person actually arrested as are contained  
31 in the arrest and court records amended to correctly and accurately identify the defendant and  
32 shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

33 4. Any person who is the victim of a false impersonation and whose identity has been  
34 falsely reported in arrest or conviction records may move for expungement and correction of said  
35 records under the procedures set forth in section 610.123. Upon a showing that a substantial  
36 number of identifying factors of the victim was falsely ascribed to the person actually arrested  
37 or convicted, the court shall order the false identifying factors ascribed to the person actually  
38 arrested as are contained in the arrest and court records amended to correctly and accurately  
39 identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and  
40 court records.

41 5. **The offense of** false impersonation is a class B misdemeanor unless the person  
42 represents himself **or herself** to be a law enforcement officer in which case [false impersonation]  
43 **it is** a class A misdemeanor.

575.130. 1. A person commits the [crime] **offense** of simulating legal process if, with  
2 purpose to mislead the recipient and cause him **or her** to take action in reliance thereon, he **or**  
3 **she** delivers or causes to be delivered:

4 (1) A request for the payment of money on behalf of any creditor that in form and  
5 substance simulates any legal process issued by any court of this state; or

6 (2) Any purported summons, subpoena or other legal process knowing that the process  
7 was not issued or authorized by any court.

8 2. This section shall not apply to a subpoena properly issued by a notary public.

9 3. [Simulating legal process is a class B misdemeanor.

10 4. No person shall file] **A person commits the offense of filing a nonconsensual**  
11 **common law lien if he or she files** a nonconsensual common law lien as defined in section  
12 428.105.

13 [5. A violation of subsection 4 of this section is a class B misdemeanor.

14 6.] **4.** Subsection [4] **3** of this section shall not apply to a filing officer as defined in  
15 section 428.105 that is acting in the scope of **his or her** employment.

16 **5. The offense of simulating legal process or filing a nonconsensual common law**  
17 **lien is a class B misdemeanor.**

575.145. 1. It shall be the duty of the operator or driver of any vehicle **or any other conveyance regardless of means of propulsion**, or the rider of any animal traveling on the highways of this state to stop on signal of any [sheriff or deputy sheriff] **law enforcement officer** and to obey any other reasonable signal or direction of such [sheriff or deputy sheriff] **law enforcement officer** given in directing the movement of traffic on the highways[. Any person who] **or enforcing any offense or infraction**.

2. **The offense of** willfully [fails or refuses] **failing or refusing** to obey such signals or directions or [who] willfully [resists or opposes a sheriff or deputy sheriff] **resisting or opposing a law enforcement officer** in the proper discharge of his or her duties [shall be guilty of] **is a** class A misdemeanor [and on conviction thereof shall be punished as provided by law for such offenses].

575.150. 1. A person commits the [crime] **offense** of resisting or interfering with arrest, detention, or stop if[, knowing] **he or she knows or reasonably should know** that a law enforcement officer is making an arrest[, or attempting to lawfully detain or stop an individual or vehicle, [or the person reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle,] **and** for the purpose of preventing the officer from effecting the arrest, stop or detention, [the person] **he or she**:

(1) Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or

(2) Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

2. This section applies to:

(1) Arrests, stops, or detentions, with or without warrants;

(2) Arrests, stops, or detentions, for any [crime] **offense**, infraction, or ordinance violation; and

(3) Arrests for warrants issued by a court or a probation and parole officer.

3. A person is presumed to be fleeing a vehicle stop if [that person] **he or she** continues to operate a motor vehicle after [that person] **he or she** has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing [that person] **him or her**.

4. It is no defense to a prosecution pursuant to subsection 1 of this section that the law enforcement officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest.

5. **The offense of** resisting or interfering with an arrest is a class [D] **E** felony for an arrest for a:

(1) Felony; **or**

(2) Warrant issued for failure to appear on a felony case; or

28 (3) Warrant issued for a probation violation on a felony case.

29

30 **The offense of** resisting an arrest, detention or stop [by fleeing in such a manner that the person  
31 fleeing creates a substantial risk of serious physical injury or death to any person is a class D  
32 felony; otherwise, resisting or interfering with an arrest, detention or stop] in violation of  
33 subdivision (1) or (2) of subsection 1 of this section is a class A misdemeanor, **unless the person**  
34 **fleeing creates a substantial risk of serious physical injury or death to any person, in which**  
35 **case it is a class E felony.**

575.153. 1. A person commits the [crime] **offense** of disarming a peace officer, as  
2 defined in section 590.100, or a correctional officer if [such person] **he or she** intentionally:

3 (1) Removes a firearm or other deadly weapon from the person of a peace officer or  
4 correctional officer while such officer is acting within the scope of his or her official duties; or

5 (2) Deprives a peace officer or correctional officer of such officer's use of a firearm or  
6 deadly weapon while the officer is acting within the scope of his or her official duties.

7 2. The provisions of this section shall not apply when:

8 (1) The [defendant] **person** does not know or could not reasonably have known that the  
9 person he or she disarmed was a peace officer or correctional officer; or

10 (2) The peace officer or correctional officer was engaged in an incident involving  
11 felonious conduct by the peace officer or correctional officer at the time the [defendant] **person**  
12 disarmed such officer.

13 3. **The offense of** disarming a peace officer or correctional officer is a class [C] **D**  
14 **felony.**

[565.085.] **575.155.** 1. An offender or prisoner commits the [crime] **offense** of  
2 endangering a corrections employee, a visitor to a correctional [facility] **center, county or city**  
3 **jail**, or another offender or prisoner if he or she attempts to cause or knowingly causes such  
4 person to come into contact with blood, seminal fluid, urine, feces, or saliva.

5 2. For the purposes of this section, the following terms mean:

6 (1) "Corrections employee", a person who is an employee, or contracted employee of a  
7 subcontractor, of a department or agency responsible for operating a jail, prison, correctional  
8 facility, or sexual offender treatment center or a person who is assigned to work in a jail, prison,  
9 correctional facility, or sexual offender treatment center;

10 (2) "Offender", a person in the custody of the department of corrections;

11 (3) "Prisoner", a person confined in a county or city jail.

12 3. **The offense of** endangering a corrections employee, a visitor to a correctional  
13 [facility] **center, county or city jail**, or another offender or prisoner is a class [D] **E** felony  
14 unless the substance is unidentified in which case it is a class A misdemeanor. If an offender or  
15 prisoner is knowingly infected with the human immunodeficiency virus (HIV), hepatitis B or  
16 hepatitis C and exposes another person to HIV or hepatitis B or hepatitis C by committing the

17 [crime] **offense** of endangering a corrections employee, a visitor to a correctional facility, or  
18 another offender or prisoner, it is a class [C] **D** felony.

[565.086.] **575.157.** 1. An offender commits the [crime] **offense** of endangering a  
2 department of mental health employee, a visitor or other person at a secure facility, or another  
3 offender if he or she attempts to cause or knowingly causes such individual to come into contact  
4 with blood, seminal fluid, urine, feces, or saliva.

5 2. For purposes of this section, the following terms mean:

6 (1) "Department of mental health employee", a person who is an employee of the  
7 department of mental health, an employee or contracted employee of a subcontractor of the  
8 department of mental health, or an employee or contracted employee of a subcontractor of an  
9 entity responsible for confining offenders as authorized by section 632.495;

10 (2) "Offender", persons ordered to the department of mental health after a determination  
11 by the court that such persons may meet the definition of a sexually violent predator, persons  
12 ordered to the department of mental health after a finding of probable cause under section  
13 632.489, and persons committed for control, care, and treatment by the department of mental  
14 health under sections 632.480 to 632.513;

15 (3) "Secure facility", a facility operated by the department of mental health or an entity  
16 responsible for confining offenders as authorized by section 632.495.

17 3. **The offense of** endangering a department of mental health employee, a visitor or other  
18 person at a secure facility, or another offender is a class [D] **E** felony [unless the substance is  
19 unidentified, in which case it is a class A misdemeanor]. If an offender is knowingly infected  
20 with the human immunodeficiency virus (HIV), hepatitis B, or hepatitis C and exposes another  
21 individual to HIV or hepatitis B or hepatitis C by committing the [crime] **offense** of endangering  
22 a department of mental health employee, a visitor or other person at a mental health facility, or  
23 another offender, [it] **the offense** is a class [C] **D** felony.

575.159. 1. A person commits the [crime] **offense** of aiding a sexual offender if [such  
2 person] **he or she** knows that another person is a convicted sexual offender who is required to  
3 register as a sexual offender and has reason to believe that such sexual offender is not complying,  
4 or has not complied with the requirements of sections 589.400 to 589.425, and who, with the  
5 intent to assist the sexual offender in eluding a law enforcement agency that is seeking to find  
6 the sexual offender to question the offender about, or to arrest the offender for, his or her  
7 noncompliance with the requirements of sections 589.400 to 589.425:

8 (1) Withholds information from or does not notify the law enforcement agency about the  
9 sexual offender's noncompliance with the requirements of sections 589.400 to 589.425, and, if  
10 known, the whereabouts of the sexual offender;

11 (2) Harbors or attempts to harbor or assists another person in harboring or attempting  
12 to harbor the sexual offender;



13 (3) Conceals or attempts to conceal or assists another person in concealing or attempting  
14 to conceal the sexual offender; or

15 (4) Provides information to the law enforcement agency regarding the sexual offender  
16 which [the person] **he or she** knows to be false information.

17 2. [Aiding a sexual offender is a class D felony.

18 3.] The provisions of this section do not apply if the sexual offender is incarcerated in,  
19 or is in the custody of, a state correctional facility, a private correctional facility, a local jail, or  
20 a federal correctional facility.

21 **3. The offense of aiding a sexual offender is a class E felony.**

575.160. 1. A person commits the [crime] **offense** of interference with legal process if,  
2 knowing [any] **another** person is authorized by law to serve process, **he or she interferes with**  
3 **or obstructs such person** for the purpose of preventing such person from effecting the service  
4 of any process[, he interferes with or obstructs such person].

5 2. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant,  
6 or other process or order of a court.

7 3. **The offense of** interference with legal process is a class B misdemeanor.

575.170. 1. [Any] **An** employer, or [any] agent who is in charge of a business  
2 establishment, commits the [crime] **offense** of refusing to make an employee available for  
3 service of process if he **or she** knowingly refuses to assist any officer authorized by law to serve  
4 process who calls at such business establishment during the working hours of an employee for  
5 the purpose of serving process on such employee, by failing or refusing to make such employee  
6 available for service of process.

7 2. **The offense of** refusing to make an employee available for service of process is a class  
8 C misdemeanor.

575.180. 1. A law enforcement officer commits the [crime] **offense** of failure to execute  
2 an arrest warrant if, with the purpose of allowing any person charged with or convicted of a  
3 crime to escape, he **or she** fails to execute any arrest warrant, capias, or other lawful process  
4 ordering apprehension or confinement of such person, which he **or she** is authorized and required  
5 by law to execute.

6 2. **The offense of** failure to execute an arrest warrant is a class [D felony if the offense  
7 involved is a felony; otherwise, failure to execute an arrest warrant is a class] A misdemeanor,  
8 **unless the offense involved is a felony, in which case failure to execute an arrest warrant**  
9 **is a class E felony.**

575.190. 1. A person commits the [crime] **offense** of refusal to identify as a witness if,  
2 knowing he **or she** has witnessed any portion of [a crime] **an offense**, or of any other incident  
3 resulting in physical injury or substantial property damage, [upon demand by a law enforcement  
4 officer engaged in the performance of his official duties,] he **or she** refuses to report or gives a

5 false report of his **or her** name and present address to [such] **a law enforcement officer engaged**  
6 **in the performance of his or her duties.**

7 2. **The offense of** refusal to identify as a witness is a class C misdemeanor.

575.195. 1. A person commits the [crime] **offense** of escape from commitment,  
2 detention, or conditional release if he or she has been committed to a state mental hospital under  
3 the provisions of sections 552.010 to 552.080 or sections 632.480 to 632.513, or has been  
4 ordered to be taken into custody, detained, or held pursuant to sections 632.480 to 632.513, or  
5 as provided by section 632.475, has been committed to the department of mental health as a  
6 criminal sexual psychopath under statutes in effect before August 13, 1980, or has been granted  
7 a conditional release under the provisions of sections 552.010 to 552.080 or sections 632.480 to  
8 632.513, and he or she escapes from such commitment, detention, or conditional release.

9 2. **The offense of** escape from commitment, detention, or conditional release is a class  
10 **[D] E felony.**

575.200. 1. A person commits the [crime] **offense** of escape from custody or attempted  
2 escape from custody if, while being held in custody after arrest for any crime, he **or she** escapes  
3 or attempts to escape from custody.

4 2. **The offense of** escape or attempted escape from custody is a class A misdemeanor  
5 unless:

6 (1) [It is effected or attempted by means of a deadly weapon or dangerous instrument or  
7 by holding any person as hostage, in which case escape or attempted escape from custody is a  
8 class A felony;

9 (2)] The person escaping or attempting to escape is under arrest for a felony, in which  
10 case [escape from custody] **it is a class [D] E felony; or**

11 **(2) The offense is committed by means of a deadly weapon or dangerous instrument**  
12 **or by holding any person as hostage, in which case it is a class A felony.**

575.205. 1. A person commits the [crime] **offense** of tampering with electronic  
2 monitoring equipment if [the person] **he or she** intentionally removes, alters, tampers with,  
3 damages, or destroys electronic monitoring equipment which a court or the board of probation  
4 and parole has required such person to wear.

5 2. This section does not apply to the owner of the equipment or an agent of the owner  
6 who is performing ordinary maintenance or repairs on the equipment.

7 3. The [crime] **offense** of tampering with electronic monitoring equipment is a class [C]  
8 **D felony.**

575.206. 1. A person commits the [crime] **offense** of violating a condition of lifetime  
2 supervision if [the person] **he or she** knowingly violates a condition of probation, parole, or  
3 conditional release when such condition was imposed by an order of a court under section  
4 559.106 or an order of the board of probation and parole under section 217.735.

5           2. The [crime] **offense** of violating a condition of lifetime supervision is a class [C] **D**  
6 felony.

575.210. 1. A person commits the [crime] **offense** of escape or attempted escape from  
2 confinement if, while being held in confinement after arrest for any [crime] **offense**, while  
3 serving a sentence after conviction for any [crime] **offense**, or while at an institutional treatment  
4 center operated by the department of corrections as a condition of probation or parole, [such  
5 person] **he or she** escapes or attempts to escape from confinement.

6           2. **The offense of** escape or attempted escape from confinement in the department of  
7 corrections is a class B felony.

8           3. **The offense of** escape or attempted escape from confinement in a county or private  
9 jail or city or county correctional facility is a class [D] **E** felony [except that it is] **unless**:

10           (1) [A class A felony if it is effected or attempted by means of a deadly weapon or  
11 dangerous instrument or by holding any person as hostage] **The offense is facilitated by**  
12 **striking or beating any person, in which case it is a class D felony**;

13           (2) [A class C felony if the escape or attempted escape is facilitated by striking or beating  
14 any person] **The offense is committed by means of a deadly weapon or dangerous**  
15 **instrument or by holding any person as hostage, in which case it is a class A felony**.

575.220. 1. A person commits the [crime] **offense** of failure to return to confinement  
2 if, while serving a sentence for any [crime] **offense** under a work-release program, or while under  
3 sentence of any [crime] **offense** to serve a term of confinement which is not continuous, or while  
4 serving any other type of sentence for any [crime] **offense** wherein he or she is temporarily  
5 permitted to go at large without guard, he or she purposely fails to return to confinement when  
6 he or she is required to do so.

7           2. This section does not apply to persons who are free on bond, bail or recognizance,  
8 personal or otherwise, nor to persons who are on probation or parole, temporary or otherwise.

9           3. **The offense of** failure to return to confinement is a class C misdemeanor unless:

10           (1) The sentence being served is [to the Missouri department of corrections and human  
11 resources, in which case failure to return to confinement is a class D felony] **one of confinement**  
12 **in a county or private jail on conviction of a felony, in which case it is a class A**  
13 **misdemeanor**; or

14           (2) The sentence being served is [one of confinement in a county or private jail on  
15 conviction of a felony, in which case failure to return to confinement is a class A misdemeanor]  
16 **to the Missouri department of corrections, in which case it is a class E felony**.

575.230. 1. A person commits the [crime] **offense** of aiding escape of a prisoner if [the  
2 person] **he or she**:

3           (1) Introduces into any place of confinement any deadly weapon or dangerous  
4 instrument, or other thing adapted or designed for use in making an escape, with the purpose of

5 facilitating the escape of any prisoner confined therein, or of facilitating the commission of any  
6 other [crime] **offense**; or

7 (2) Assists or attempts to assist any prisoner who is being held in custody or confinement  
8 for the purpose of effecting the prisoner's escape from custody or confinement.

9 2. [Aiding escape of a prisoner by introducing a deadly weapon or dangerous instrument  
10 into a place of confinement is a class B felony. Aiding escape of a prisoner being held in custody  
11 or confinement on the basis of a felony charge or conviction is a class B felony. Otherwise,  
12 aiding escape of a prisoner is a class A misdemeanor.] **The offense of aiding escape of a  
13 prisoner is a class A misdemeanor, unless committed by introducing a deadly weapon or  
14 dangerous instrument into a place of confinement or aiding escape of a prisoner being held  
15 in custody or confinement on the basis of a felony charge or conviction, in which case it is  
16 a class B felony.**

575.240. 1. A public servant, contract employee of a county or private jail, or employee  
2 of a private jail who is authorized and required by law to have charge of any person charged with  
3 or convicted of any [crime] **offense** commits the [crime] **offense** of permitting escape if he **or  
4 she** knowingly:

5 (1) Suffers, allows or permits any deadly weapon or dangerous instrument, or anything  
6 adapted or designed for use in making an escape, to be introduced into or allowed to remain in  
7 any place of confinement, in violation of law, regulations or rules governing the operation of the  
8 place of confinement; or

9 (2) Suffers, allows or permits a person in custody or confinement to escape.

10 2. **The offense of** permitting escape [by suffering, allowing or permitting any deadly  
11 weapon or dangerous instrument to be introduced into a place of confinement is a class B felony;  
12 otherwise, permitting escape] is a class [D] E felony, **unless committed by suffering, allowing,  
13 or permitting any deadly weapon or dangerous instrument to be introduced into a place  
14 of confinement, in which case it is a class B felony.**

575.250. 1. A person commits the [crime] **offense** of disturbing a judicial proceeding  
2 if, with **the** purpose to intimidate a judge, attorney, juror, party or witness[,] and thereby [to]  
3 influence a judicial proceeding, he **or she** disrupts or disturbs a judicial proceeding by  
4 participating in an assembly and calling aloud, shouting, or holding or displaying a placard or  
5 sign containing written or printed matter, concerning the conduct of the judicial proceeding, or  
6 the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling  
7 for or demanding any specified action or determination by such judge, attorney, juror, party, or  
8 witness in connection with such proceeding.

9 2. **The offense of** disturbing a judicial proceeding is a class A misdemeanor.

575.260. 1. A person commits the [crime] **offense** of tampering with a judicial  
2 proceeding if, with **the** purpose to influence the official action of a judge, juror, special master,

3 referee, arbitrator, state prosecuting or circuit attorney, state assistant prosecuting or circuit  
4 attorney, or attorney general in a judicial proceeding, he or she:

5 (1) Threatens or causes harm to any person or property; or

6 (2) Engages in conduct reasonably calculated to harass or alarm such official or juror;

7 or

8 (3) Offers, confers, or agrees to confer any benefit, direct or indirect, upon such official  
9 or juror.

10 2. **The offense of** tampering with a judicial proceeding is a class [C] **D** felony.

575.270. 1. A person commits the [crime] **offense** of tampering with a witness if, with  
2 **the** purpose to induce a witness or a prospective witness to disobey a subpoena or other legal  
3 process, [or to] absent himself or **herself**, avoid subpoena or other legal process, [or to] withhold  
4 evidence, information, or documents, or [to] testify falsely, he **or she**:

5 (1) Threatens or causes harm to any person or property; or

6 (2) Uses force, threats or deception; or

7 (3) Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness;

8 or

9 (4) Conveys any of the foregoing to another in furtherance of a conspiracy.

10 2. A person commits the [crime] **offense** of "victim tampering" if[, with purpose to do  
11 so,] he **or she purposely** prevents or dissuades or attempts to prevent or dissuade any person  
12 who has been a victim of any crime or a person who is acting on behalf of any such victim from:

13 (1) Making any report of such victimization to any peace officer, [or] state, local or  
14 federal law enforcement officer [or] , prosecuting agency, or [to] any judge;

15 (2) Causing a complaint, indictment or information to be sought and prosecuted or  
16 assisting in the prosecution thereof;

17 (3) Arresting or causing or seeking the arrest of any person in connection with such  
18 victimization.

19 3. **The offense of** tampering with a witness [in a prosecution, tampering with a witness  
20 with purpose to induce the witness to testify falsely,] or victim [tampering] is a class [C felony  
21 if the original charge is a felony. Otherwise, tampering with a witness or victim tampering is a  
22 class] A misdemeanor, **unless the original charge is a felony, in which case tampering with**  
23 **a witness or victim is a class D felony.** Persons convicted under this section shall not be  
24 eligible for parole.

575.280. 1. A person commits the [crime] **offense** of acceding to corruption if **he or**  
2 **she**:

3 (1) [He] Is a judge, juror, special master, referee or arbitrator and knowingly solicits,  
4 accepts, or agrees to accept any benefit, direct or indirect, on the representation or understanding  
5 that it will influence his **or her** official action in a judicial proceeding pending in any court or  
6 before such official or juror;

7           (2) [He] Is a witness or prospective witness in any official proceeding and knowingly  
8 solicits, accepts, or agrees to accept any benefit, direct or indirect, on the representation or  
9 understanding that he **or she** will disobey a subpoena or other legal process, [or] absent himself  
10 or **herself**, avoid subpoena or other legal process, [or] withhold evidence, information or  
11 documents, or testify falsely.

12           2. **The offense of** acceding to corruption [under subdivision (1) of subsection 1 of this  
13 section is a class C felony.

14           3. Acceding to corruption under subdivision (2) of subsection 1 of this section in a felony  
15 prosecution, or on the representation or understanding of testifying falsely is a class D felony.  
16 Otherwise, acceding to corruption] is a class A misdemeanor, **unless committed pursuant to**  
17 **subdivision (1) of subsection 1 of this section, in which case it is a class C felony; or**  
18 **committed pursuant to subdivision (2) of subsection 1 of this section in a felony**  
19 **prosecution, or on the representation or understanding of testifying falsely, in which case**  
20 **it is a class E felony.**

575.290. 1. A person commits the [crime] **offense** of improper communication if he **or**  
2 **she** communicates, directly or indirectly, with any juror, special master, referee, or arbitrator in  
3 a judicial proceeding, other than as part of the proceedings in a case, for the purpose of  
4 influencing the official action of such person.

5           2. **The offense of** improper communication is a class B misdemeanor.

575.300. 1. A [person] **juror** commits the [crime] **offense** of misconduct by a juror if[,  
2 being a juror,] he **or she** knowingly:

3           (1) Promises or agrees, prior to the submission of a cause to the jury for deliberation, to  
4 vote for or agree to a verdict for or against any party in a judicial proceeding; or

5           (2) Receives any paper, evidence or information from anyone in relation to any judicial  
6 proceeding for the trial of which he has been or may be sworn, without the authority of the court  
7 or officer before whom such proceeding is pending, and does not immediately disclose the same  
8 to such court or officer.

9           2. **The offense of** misconduct by a juror is a class A misdemeanor.

575.310. 1. A public servant authorized by law to select or summon any juror commits  
2 the [crime] **offense** of misconduct in selecting or summoning a juror if he **or she** knowingly acts  
3 unfairly, improperly or not impartially in selecting or summoning any person or persons to be  
4 a member or members of a jury.

5           2. **The offense of** misconduct in selecting or summoning a juror is a class B  
6 misdemeanor.

575.320. 1. A public servant, in his **or her** public capacity or under color of his **or her**  
2 office or employment, commits the [crime] **offense** of misconduct in administration of justice  
3 if **he or she**:

4 (1) [He] Is charged with the custody of any person accused or convicted of any [crime]  
5 **offense** or municipal ordinance violation and he **or she** coerces, threatens, abuses or strikes such  
6 person for the purpose of securing a confession from him **or her**;

7 (2) [He] Knowingly seizes or levies upon any property or dispossesses anyone of any  
8 lands or tenements without due and legal process, or other lawful authority; **or**

9 (3) [He] Is a judge and knowingly accepts a plea of guilty from any person charged with  
10 a violation of a statute or ordinance at any place other than at the place provided by law for  
11 holding court by such judge; **or**

12 (4) [He] Is a jailer or keeper of a county jail and knowingly refuses to receive, in the jail  
13 under his **or her** charge, any person lawfully committed to such jail on any criminal charge or  
14 criminal conviction by any court of this state, or on any warrant and commitment or capias on  
15 any criminal charge issued by any court of this state; **or**

16 (5) [He] Is a law enforcement officer and violates the provisions of section 544.170 by  
17 knowingly:

18 (a) Refusing to release any person in custody who is entitled to such release; or

19 (b) Refusing to permit a person in custody to see and consult with counsel or other  
20 persons; or

21 (c) Transferring any person in custody to the custody or control of another, or to another  
22 place, for the purpose of avoiding the provisions of that section; or

23 (d) [Preferring] **Proffering** against any person in custody a false charge for the purpose  
24 of avoiding the provisions of that section;

25 (6) [He] Orders or suggests to an employee of a county of the first class having a charter  
26 form of government with a population over nine hundred thousand and not containing any part  
27 of a city of three hundred fifty thousand or more inhabitants that such employee shall issue a  
28 certain number of traffic citations on a daily, weekly, monthly, quarterly, yearly or other quota  
29 basis, except when such employee is assigned exclusively to traffic control and has no other  
30 responsibilities or duties.

31 2. **The offense of** misconduct in the administration of justice is a class A misdemeanor.

575.353. 1. A person commits the [crime] **offense** of assault on a police animal [when  
2 such person] **if he or she** knowingly attempts to kill or disable or knowingly causes or attempts  
3 to cause serious physical injury to a police animal when that animal is involved in law  
4 enforcement investigation, apprehension, tracking, or search, or the animal is in the custody of  
5 or under the control of a law enforcement officer, department of corrections officer, municipal  
6 police department, fire department or a rescue unit or agency.

7 2. **The offense of** assault on a police animal is a class C misdemeanor, **unless the**  
8 **assault results in the death of such animal or disables such animal to the extent it is unable**  
9 **to be utilized as a police animal, in which case it is a class E felony.**

576.010. 1. A person commits the [crime] **offense** of bribery of a public servant if he  
2 **or she** knowingly offers, confers or agrees to confer upon any public servant any benefit, direct  
3 or indirect, in return for:

4 (1) The recipient's official vote, opinion, recommendation, judgment, decision, action  
5 or exercise of discretion as a public servant; or

6 (2) The recipient's violation of a known legal duty as a public servant.

7 2. It is no defense that the recipient was not qualified to act in the desired way because  
8 he **or she** had not yet assumed office, or lacked jurisdiction, or for any other reason.

9 3. **The offense of** bribery of a public servant is a class [D] **E** felony.

576.020. 1. A public servant commits the [crime] **offense** of acceding to corruption if  
2 he **or she** knowingly solicits, accepts or agrees to accept any benefit, direct or indirect, in return  
3 for **his or her**:

4 (1) [His] Official vote, opinion, recommendation, judgment, decision, action or exercise  
5 of discretion as a public servant; or

6 (2) [His] Violation of a known legal duty as a public servant.

7 2. **The offense of** acceding to corruption by a public servant is a class [D] **E** felony.

576.030. 1. A person commits the [crime] **offense** of obstructing government operations  
2 if he **or she** purposely obstructs, impairs, hinders or perverts the performance of a governmental  
3 function by the use or threat of violence, force, or other physical interference or obstacle.

4 2. **The offense of** obstructing government operations is a class B misdemeanor.

576.040. 1. A public servant, in [his] **such person's** public capacity or under color of  
2 [his] **such person's** office or employment, commits the [crime] **offense** of official misconduct  
3 if he **or she**:

4 (1) [He] Knowingly discriminates against any employee or any applicant for employment  
5 on account of race, creed, color, sex or national origin, provided such employee or applicant  
6 possesses adequate training and educational qualifications; **or**

7 (2) [He] Knowingly demands or receives any fee or reward for the execution of any  
8 official act or the performance of a duty imposed by law or by the terms of his **or her**  
9 employment, that is not due, or that is more than is due, or before it is due; **or**

10 (3) [He] Knowingly collects taxes when none are due, or exacts or demands more than  
11 is due; **or**

12 (4) [He] Is a city or county treasurer, city or county clerk, or other municipal or county  
13 officer[, or judge of a municipal or county commission,] and knowingly orders the payment of  
14 any money, or draws any warrant, or pays over any money for any purpose other than the specific  
15 purpose for which the same was assessed, levied and collected, unless it is or shall have become  
16 impossible to use such money for that specific purpose; **or**

17 (5) [He] Is an officer or employee of any court and knowingly charges, collects or  
18 receives less fee for his services than is provided by law;



19 (6) [He] Is an officer or employee of any court and knowingly, directly or indirectly,  
20 buys, purchases or trades for any fee taxed or to be taxed as costs in any court of this state, or any  
21 county warrant, at less than par value which may be by law due or to become due to any person  
22 by or through any such court;

23 (7) [He] Is a county officer, deputy or employee and knowingly traffics for or purchases  
24 at less than the par value or speculates in any [court] **county** warrant issued by order of the  
25 county commission of his **or her** county, or in any claim or demand held against such county.

26 2. **The offense of** official misconduct is a class A misdemeanor.

576.050. 1. A public servant commits the [crime] **offense** of misuse of official  
2 information if, in contemplation of official action by himself or herself or by a governmental unit  
3 with which he or she is associated, or in reliance on information to which he or she has access  
4 in his or her official capacity and which has not been made public, he or she knowingly:

5 (1) Acquires a pecuniary interest in any property, transaction, or enterprise which may  
6 be affected by such information or official action; or

7 (2) Speculates or wagers on the basis of such information or official action; or

8 (3) Aids, advises or encourages another to do any of the foregoing with purpose of  
9 conferring a pecuniary benefit on any person.

10 2. A person commits the [crime] **offense** of misuse of official information if he or she  
11 [knowingly or] recklessly obtains or discloses information from the Missouri uniform law  
12 enforcement system (MULES) or the National Crime Information Center System (NCIC), or any  
13 other criminal justice information sharing system that contains individually identifiable  
14 information for private or personal use, or for a purpose other than in connection with their  
15 official duties and performance of their job.

16 3. **The offense of** misuse of official information is a class A misdemeanor.

576.060. 1. A person commits the [crime] **violation** of failure to give a tax list if, when  
2 requested by a government assessor, he **or she** knowingly fails to give a true list of all his **or her**  
3 taxable property, or to take and subscribe an oath or affirmation to such list as required by law.

4 2. Failure to give a tax list is an infraction.

576.070. 1. A person owing allegiance to the state commits **the offense of** treason if he  
2 **or she** purposely levies war against the state, or adheres to its enemies by giving them aid and  
3 comfort.

4 2. No person shall be convicted of treason unless one or more overt acts are alleged in  
5 the indictment or information.

6 3. In a trial on a charge of treason, no evidence shall be given of any overt act that is not  
7 specifically alleged in the indictment or information.

8 4. No person shall be convicted of treason except upon the direct evidence of two or  
9 more witnesses to the same overt act, or upon his **or her** confession under oath in open court.

10 5. **The offense of** treason is a class A felony.

576.080. 1. A person commits the [crime] **offense** of supporting terrorism if such person knowingly provides material support to any organization designated as a foreign terrorist organization pursuant to 8 U.S.C. 1189, as amended and acts recklessly with regard to whether such organization had been designated as a foreign terrorist organization pursuant to 8 U.S.C. 1189.

2. For the purpose of this section, "material support" includes currency or other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation and other physical assets, except medicine or religious materials.

3. **The offense of supporting terrorism is a class [C] D felony.**

577.001. 1. As used in this chapter, [the term "court" means any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court.

2. As used in this chapter, the term "drive", "driving", "operates" or "operating" means physically driving or operating a motor vehicle.

3. As used in this chapter, a person is in an "intoxicated condition" when he is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

4. As used in this chapter, the term "law enforcement officer" or "arresting officer" includes the definition of law enforcement officer in subdivision (17) of section 556.061 and military policemen conducting traffic enforcement operations on a federal military installation under military jurisdiction in the state of Missouri.

5. As used in this chapter, "substance abuse traffic offender program" means a program certified by the division of alcohol and drug abuse of the department of mental health to provide education or rehabilitation services pursuant to a professional assessment screening to identify the individual needs of the person who has been referred to the program as the result of an alcohol- or drug-related traffic offense. Successful completion of such a program includes participation in any education or rehabilitation program required to meet the needs identified in the assessment screening. The assignment recommendations based upon such assessment shall be subject to judicial review as provided in subsection 7 of section 577.041] **the following terms mean:**

(1) **"Aggravated offender", a person who has been found guilty of:**

(a) **Three or more intoxication-related traffic offenses committed on separate occasions; or**

(b) **Two or more intoxication-related traffic offenses committed on separate occasions where at least one of the intoxication-related traffic offenses is an offense committed in violation of any state law, county or municipal ordinance, any federal offense, or any military offense in which the defendant was operating a vehicle while intoxicated and another person was injured or killed;**

(2) **"Aggravated boating offender", a person who has been found guilty of:**

- 29           (a) Three or more intoxication-related boating offenses; or
- 30           (b) Has been found guilty of one or more intoxication-related boating offenses
- 31 committed on separate occasions where at least one of the intoxication-related traffic
- 32 offenses is an offense committed in violation of any state law, county or municipal
- 33 ordinance, any federal offense, or any military offense in which the defendant was
- 34 operating a vessel while intoxicated and another person was injured or killed;
- 35           (3) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively
- 36 for off-highway use which is fifty inches or less in width, with an unladen dry weight of one
- 37 thousand pounds or less, traveling on three, four or more low pressure tires, with a seat
- 38 designed to be straddled by the operator, or with a seat designed to carry more than one
- 39 person, and handlebars for steering control;
- 40           (4) "Court", any circuit, associate circuit, or municipal court, including traffic
- 41 court, but not any juvenile court or drug court;
- 42           (5) "Chronic offender", a person who has been found guilty of:
- 43           (a) Four or more intoxication-related traffic offenses committed on separate
- 44 occasions; or
- 45           (b) Three or more intoxication-related traffic offenses committed on separate
- 46 occasions where at least one of the intoxication-related traffic offenses is an offense
- 47 committed in violation of any state law, county or municipal ordinance, any federal offense,
- 48 or any military offense in which the defendant was operating a vehicle while intoxicated
- 49 and another person was injured or killed; or
- 50           (c) Two or more intoxication-related traffic offenses committed on separate
- 51 occasions where both intoxication-related traffic offenses were offenses committed in
- 52 violation of any state law, county or municipal ordinance, any federal offense, or any
- 53 military offense in which the defendant was operating a vehicle while intoxicated and
- 54 another person was injured or killed;
- 55           (6) "Chronic boating offender", a person who has been found guilty of:
- 56           (a) Four or more intoxication-related boating offenses; or
- 57           (b) Three or more intoxication-related boating offenses committed on separate
- 58 occasions where at least one of the intoxication-related boating offense is an offense
- 59 committed in violation of any state law, county or municipal ordinance, any federal offense,
- 60 or any military offense in which the defendant was operating a vessel while intoxicated and
- 61 another person was injured or killed; or
- 62           (c) Two or more intoxication-related boating offenses committed on separate
- 63 occasions where both intoxication-related boating offenses were offenses committed in
- 64 violation of any state law, county or municipal ordinance, any federal offense, or any
- 65 military offense in which the defendant was operating a vessel while intoxicated and
- 66 another person was injured or killed;

67           (7) "Controlled substance", a drug, substance, or immediate precursor in schedules  
68 I to V listed in section 195.017;

69           (8) "Drive", "driving", "operates" or "operating", means physically driving or  
70 operating a vehicle or vessel;

71           (9) "Drug", any natural or synthetic substance other than food, intended to affect  
72 the structure or any function of the body of humans or animals;

73           (10) "Flight crew member", the pilot in command, copilots, flight engineers, and  
74 flight navigators;

75           (11) "Habitual offender", a person who has been found guilty of:

76           (a) Five or more intoxication-related traffic offenses committed on separate  
77 occasions; or

78           (b) Four or more intoxication-related traffic offenses committed on separate  
79 occasions where at least one of the intoxication-related traffic offenses is an offense  
80 committed in violation of any state law, county or municipal ordinance, any federal offense,  
81 or any military offense in which the defendant was operating a vehicle while intoxicated and  
82 another person was injured or killed; or

83           (c) Three or more intoxication-related traffic offenses committed on separate  
84 occasions where at least two of the intoxication-related traffic offenses were offenses  
85 committed in violation of any state law, county or municipal ordinance, any federal offense,  
86 or any military offense in which the defendant was operating a vehicle while intoxicated and  
87 another person was injured or killed;

88           (12) "Habitual boating offender", a person who has been found guilty of:

89           (a) Five or more intoxication-related boating offenses; or

90           (b) Four or more intoxication-related boating offenses committed on separate  
91 occasions where at least one of the intoxication-related boating offense is an offense  
92 committed in violation of any state law, county or municipal ordinance, any federal offense,  
93 or any military offense in which the defendant was operating a vessel while intoxicated and  
94 another person was injured or killed; or

95           (c) Three or more intoxication-related boating offenses committed on separate  
96 occasions where at least two of the intoxication-related boating offenses were offenses  
97 committed in violation of any state law, county or municipal ordinance, any federal offense,  
98 or any military offense in which the defendant was operating a vessel while intoxicated and  
99 another person was injured or killed;

100           (13) "Intoxicated" or "intoxicated condition", when a person is under the influence  
101 of alcohol, a controlled substance, or drug, or any combination thereof;

102           (14) "Intoxication-related boating offense", operating a vessel while intoxicated;  
103 boating while intoxicated; operating a vessel with excessive blood alcohol or an offense in  
104 which the defendant was operating a vessel while intoxicated and another person was

105 injured or killed in violation of any state law, county or municipal ordinance, any federal  
106 offense, or any military offense;

107 (15) "Intoxication-related traffic offense", driving while intoxicated, driving with  
108 excessive blood alcohol content or an offense in which the defendant was operating a  
109 vehicle while intoxicated and another person was injured or killed in violation of any state  
110 law, county or municipal ordinance, any federal offense, or any military offense;

111 (16) "Law enforcement officer" or "arresting officer", includes the definition of  
112 law enforcement officer in subdivision (17) of section 556.061 and military policemen  
113 conducting traffic enforcement operations on a federal military installation under military  
114 jurisdiction in the state of Missouri;

115 (17) "Operate a vessel", to physically control the movement of a vessel in motion  
116 under mechanical or sail power in water;

117 (18) "Persistent offender", a person who has been found guilty of two or more  
118 intoxication-related traffic offenses committed on separate occasions;

119 (19) "Persistent boating offender", a person who has been found guilty of two or  
120 more intoxication-related boating offenses committed on separate occasions;

121 (20) "Prior offender", a person who has been found guilty of one intoxication-  
122 related traffic offense, where such prior offense occurred within five years of the  
123 occurrence of the intoxication-related traffic offense for which the person is charged;

124 (21) "Prior boating offender", a person who has been found guilty of one  
125 intoxication-related boating offense, where such prior offense occurred within five years  
126 of the occurrence of the intoxication-related boating offense for which the person is  
127 charged.

577.010. 1. A person commits the [crime] offense of ["driving while intoxicated"] if  
2 he or she operates a [motor] vehicle while in an intoxicated [or drugged] condition.

3 2. The offense of driving while intoxicated is [for the first offense, a class B  
4 misdemeanor. No person convicted of or pleading guilty to the offense of driving while  
5 intoxicated shall be granted a suspended imposition of sentence for such offense, unless such  
6 person shall be placed on probation for a minimum of two years] :

7 (1) A class B misdemeanor;

8 (2) A class A misdemeanor if:

9 (a) The defendant is a prior offender; or

10 (b) A person less than seventeen years of age is present in the vehicle;

11 (3) A class E felony if:

12 (a) The defendant is a persistent offender; or

13 (b) While driving while intoxicated, the defendant acts with criminal negligence to  
14 cause physical injury to another person;

15 (4) A class D felony if:

- 16           **(a) The defendant is an aggravated offender;**  
17           **(b) While driving while intoxicated, the defendant acts with criminal negligence to**  
18 **cause physical injury to a law enforcement officer or emergency personnel; or**  
19           **(c) While driving while intoxicated, the defendant acts with criminal negligence to**  
20 **cause serious physical injury to another person;**  
21           **(5) A class C felony if:**  
22           **(a) The defendant is a chronic offender;**  
23           **(b) While driving while intoxicated, the defendant acts with criminal negligence to**  
24 **cause serious physical injury to a law enforcement officer or emergency personnel; or**  
25           **(c) While driving while intoxicated, the defendant acts with criminal negligence to**  
26 **cause the death of another person;**  
27           **(6) A class B felony if:**  
28           **(a) The defendant is a habitual offender;**  
29           **(b) While driving while intoxicated, the defendant acts with criminal negligence to**  
30 **cause the death of a law enforcement officer or emergency personnel; or**  
31           **(c) While driving while intoxicated, the defendant acts with criminal negligence to**  
32 **cause the death of two or more persons unless it is a second or subsequent violation of this**  
33 **subsection, in which case it is a class A felony.**  
34           3. Notwithstanding the provisions of subsection 2 of this section, [in a circuit where a  
35 DWI court or docket created under section 478.007 or other court-ordered treatment program is  
36 available, no person who operated a motor vehicle with fifteen-hundredths of one percent or  
37 more by weight of alcohol in such person's blood shall be granted a suspended imposition of  
38 sentence unless the individual participates and successfully completes a program under such  
39 DWI court or docket or other court-ordered treatment program] **a person found guilty of the**  
40 **offense of driving while intoxicated as a first offense shall not be granted a suspended**  
41 **imposition of sentence:**  
42           **(1) Unless such person shall be placed on probation for a minimum of two years;**  
43 **or**  
44           **(2) In a circuit where a DWI court or docket created under section 478.007 or other**  
45 **court-ordered treatment program is available, and where the offense was committed with**  
46 **fifteen-hundredths of one percent or more by weight of alcohol in such person's blood,**  
47 **unless the individual participates and successfully completes a program under such DWI**  
48 **court or docket or other court-ordered treatment program.**  
49           4. If a person is not granted a suspended imposition of sentence for the reasons described  
50 in subsection 3 of this section [for such first offense]:  
51           (1) If the individual operated the motor vehicle with fifteen-hundredths to  
52 twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term  
53 of imprisonment shall be not less than forty-eight hours;

54 (2) If the individual operated the motor vehicle with greater than twenty-hundredths of  
55 one percent by weight of alcohol in such person's blood, the required term of imprisonment shall  
56 be not less than five days.

57 **5. A person found guilty of the offense of driving while intoxicated as a first offense**  
58 **shall be ordered to participate in and successfully complete a substance abuse traffic**  
59 **offender program pursuant to the provisions governing substance abuse traffic offender**  
60 **programs in chapter 302.**

61 **6. A person found guilty of the offense of driving while intoxicated:**

62 **(1) As a prior offender, persistent offender, aggravated offender, chronic offender,**  
63 **or habitual offender shall not be granted a suspended imposition of sentence or be**  
64 **sentenced to pay a fine in lieu of a term of imprisonment, section 557.011 to the contrary**  
65 **notwithstanding;**

66 **(2) As a prior offender shall not be granted parole or probation until he or she has**  
67 **served a minimum of ten days' imprisonment:**

68 **(a) Unless as a condition of such parole or probation such person performs at least**  
69 **two hundred forty hours of community service under the supervision of the court in those**  
70 **jurisdictions which have a recognized program for community service; or**

71 **(b) The offender participates in and successfully completes a program established**  
72 **under section 478.007 or other court-ordered treatment program, if available;**

73 **(3) As a persistent offender shall not be eligible for parole or probation until he or**  
74 **she has served a minimum of thirty days imprisonment:**

75 **(a) Unless as a condition of such parole or probation such person performs at least**  
76 **four hundred eighty hours of community service under the supervision of the court in those**  
77 **jurisdictions which have a recognized program for community service; or**

78 **(b) The offender participates in and successfully completes a program established**  
79 **under section 478.007 or other court-ordered treatment program, if available;**

80 **(4) As an aggravated offender shall not be eligible for parole or probation until he**  
81 **or she has served a minimum of sixty days imprisonment;**

82 **(5) As a chronic offender shall not be eligible for parole or probation until he or she**  
83 **has served a minimum of two years imprisonment.**

577.012. 1. A person commits the [crime] offense of ["]driving with excessive blood  
2 alcohol content["] if such person operates:

3 **(1) A [motor] vehicle [in this state with] while having eight-hundredths of one percent**  
4 **or more by weight of alcohol in [such person's] his or her blood; or**

5 **(2) A commercial motor vehicle while having four one-hundredths of a percent or**  
6 **more by weight of alcohol in his or her blood.**

7 2. As used in this section, percent by weight of alcohol in the blood shall be based upon  
8 grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may

9 be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes  
10 of determining the alcoholic content of a person's blood under this section, the test shall be  
11 conducted in accordance with the provisions of sections [577.020 to 577.041] **302.550 to**  
12 **302.574.**

13 3. [For the first offense,] **The offense of** driving with excessive blood alcohol content  
14 is [a class B misdemeanor] :

15 (1) **A class B misdemeanor;**

16 (2) **A class A misdemeanor if the defendant is alleged and proved to be a prior**  
17 **offender;**

18 (3) **A class E felony if the defendant is alleged and proved to be a persistent**  
19 **offender;**

20 (4) **A class D felony if the defendant is alleged and proved to be an aggravated**  
21 **offender;**

22 (5) **A class C felony if the defendant is alleged and proved to be a chronic offender;**

23 (6) **A class B felony if the defendant is alleged and proved to be a habitual offender.**

24 4. [In a circuit where a DWI court or docket created under section 478.007 or other  
25 court-ordered treatment program is available, no person who operated a motor vehicle with  
26 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood shall be  
27 granted a suspended imposition of sentence unless the individual participates and successfully  
28 completes a program under such DWI court or docket or other court-ordered treatment program]  
29 **A person found guilty of the offense of driving with an excessive blood alcohol content as**  
30 **a first offense shall not be granted a suspended imposition of sentence:**

31 (1) **Unless such person shall be placed on probation for a minimum of two years;**  
32 **or**

33 (2) **In a circuit where a DWI court or docket created under section 478.007 or other**  
34 **court-ordered treatment program is available, and where the offense was committed with**  
35 **fifteen-hundredths of one percent or more by weight of alcohol in such person's blood,**  
36 **unless the individual participates in and successfully completes a program under such DWI**  
37 **court or docket or other court-ordered treatment program.**

38 5. If a person is not granted a suspended imposition of sentence for the reasons described  
39 in subsection 4 of this section[, for such first offense]:

40 (1) If the individual operated the [motor] vehicle with fifteen-hundredths to  
41 twenty-hundredths of one percent by weight of alcohol in such person's blood, the required term  
42 of imprisonment shall be not less than forty-eight hours;

43 (2) If the individual operated the [motor] vehicle with greater than twenty-hundredths  
44 of one percent by weight of alcohol in such person's blood, the required term of imprisonment  
45 shall be not less than five days.

46



47 A person found guilty of the offense of driving with excessive blood alcohol content as a  
48 first offense shall be ordered to participate in and successfully complete a substance abuse  
49 traffic offender program pursuant to the provisions governing substance abuse traffic  
50 offender programs in chapter 302.

51 6. A person found guilty of driving with excessive blood alcohol content:

52 (1) As a prior offender, persistent offender, aggravated offender, chronic offender  
53 or habitual offender shall not be granted a suspended imposition of sentence or be  
54 sentenced to pay a fine in lieu of a term of imprisonment, section 557.011, to the contrary  
55 notwithstanding;

56 (2) As a prior offender shall not be granted parole or probation until he or she has  
57 served a minimum of ten days imprisonment:

58 (a) Unless as a condition of such parole or probation such person performs at least  
59 two hundred forty hours of community service under the supervision of the court in those  
60 jurisdictions which have a recognized program for community service; or

61 (b) The offender participates in and successfully completes a program established  
62 under section 478.007 or other court-ordered treatment program, if available;

63 (3) As a persistent offender shall not be granted parole or probation until he or she  
64 has served a minimum of thirty days imprisonment:

65 (a) Unless as a condition of such parole or probation such person performs at least  
66 four hundred eighty hours of community service under the supervision of the court in those  
67 jurisdictions which have a recognized program for community service; or

68 (b) The offender participates in and successfully completes a program established  
69 under section 478.007 or other court-ordered treatment program, if available;

70 (4) As an aggravated offender shall not be eligible for parole or probation until he  
71 or she has served a minimum of sixty days imprisonment;

72 (5) As a chronic offender shall not be eligible for parole or probation until he or she  
73 has served a minimum of two years imprisonment.

2 577.013. 1. A person commits the offense of boating while intoxicated if he or she  
operates a vessel while in an intoxicated condition.

3 2. The offense of boating while intoxicated is:

4 (1) A class B misdemeanor;

5 (2) A class A misdemeanor if:

6 (a) The defendant is a prior boating offender; or

7 (b) A person less than seventeen years of age is present in the vessel;

8 (3) A class E felony if:

9 (a) The defendant is a persistent boating offender; or

10 (b) While boating while intoxicated, the defendant acts with criminal negligence to  
11 cause physical injury to another person;

- 12           **(4) A class D felony if:**  
13           **(a) The defendant is an aggravated boating offender;**  
14           **(b) While boating while intoxicated, the defendant acts with criminal negligence to**  
15 **cause physical injury to a law enforcement officer or emergency personnel; or**  
16           **(c) While boating while intoxicated, the defendant acts with criminal negligence to**  
17 **cause serious physical injury to another person;**  
18           **(5) A class C felony if:**  
19           **(a) The defendant is a chronic boating offender;**  
20           **(b) While boating while intoxicated, the defendant acts with criminal negligence to**  
21 **cause serious physical injury to a law enforcement officer or emergency personnel; or**  
22           **(c) While boating while intoxicated, the defendant acts with criminal negligence to**  
23 **cause the death of another person;**  
24           **(6) A class B felony if:**  
25           **(a) The defendant is a habitual boating offender;**  
26           **(b) While boating while intoxicated, the defendant acts with criminal negligence to**  
27 **cause the death of a law enforcement officer or emergency personnel; or**  
28           **(c) While boating while intoxicated, the defendant acts with criminal negligence to**  
29 **cause the death of two or more persons unless it is a second or subsequent violation of this**  
30 **subsection, in which case it is a class A felony.**  
31           **3. Notwithstanding the provisions of subsection 2 of this section, a person found**  
32 **guilty of the offense of boating while intoxicated as a first offense shall not be granted a**  
33 **suspended imposition of sentence:**  
34           **(1) Unless such person shall be placed on probation for a minimum of two years;**  
35 **or**  
36           **(2) In a circuit where a DWI court or docket created under section 478.007 or other**  
37 **court-ordered treatment program is available, and where the offense was committed with**  
38 **fifteen-hundredths of one percent or more by weight of alcohol in such person's blood,**  
39 **unless the individual participates in and successfully completes a program under such DWI**  
40 **court or docket or other court-ordered treatment program.**  
41           **4. If a person is not granted a suspended imposition of sentence for the reasons**  
42 **described in subsection 3 of this section:**  
43           **(1) If the individual operated the vessel with fifteen-hundredths to twenty**  
44 **hundredths of one percent by weight of alcohol in such person's blood, the required term**  
45 **of imprisonment shall be not less than forty-eight hours;**  
46           **(2) If the individual operated the vessel with greater than twenty hundredths of one**  
47 **percent by weight of alcohol in such person's blood, the required term of imprisonment**  
48 **shall be not less than five days.**  
49           **5. A person found guilty of the offense of boating while intoxicated:**

50           (1) As a prior boating offender, persistent boating offender, aggravated boating  
51 offender, chronic boating offender or habitual boating offender shall not be granted a  
52 suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of  
53 imprisonment, section 557.011 to the contrary notwithstanding;

54           (2) As a prior boating offender shall not be granted parole or probation until he or  
55 she has served a minimum of ten days imprisonment;

56           (a) Unless as a condition of such parole or probation such person performs at least  
57 two hundred forty hours of community service under the supervision of the court in those  
58 jurisdictions which have a recognized program for community service; or

59           (b) The offender participates in and successfully completes a program established  
60 under section 478.007 or other court-ordered treatment program, if available;

61           (3) As a persistent offender shall not be eligible for parole or probation until he or  
62 she has served a minimum of thirty days imprisonment:

63           (a) Unless as a condition of such parole or probation such person performs at least  
64 four hundred eighty hours of community service under the supervision of the court in those  
65 jurisdictions which have a recognized program for community service; or

66           (b) The offender participates in and successfully completes a program established  
67 under section 478.007 or other court-ordered treatment program, if available;

68           (4) As an aggravated boating offender shall not be eligible for parole or probation  
69 until he or she has served a minimum of sixty days imprisonment;

70           (5) As a chronic boating offender shall not be eligible for parole or probation until  
71 he or she has served a minimum of two years imprisonment.

          577.014. 1. A person commits the offense of boating with excessive blood alcohol  
2 content if he or she operates a vessel while having eight-hundredths of one percent or more  
3 by weight of alcohol in his or her blood.

4           2. As used in this section, percent by weight of alcohol in the blood shall be based  
5 upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of  
6 breath and may be shown by chemical analysis of the person's blood, breath, saliva or  
7 urine. For the purposes of determining the alcoholic content of a person's blood under this  
8 section, the test shall be conducted in accordance with the provisions of sections 302.550  
9 to 302.574.

10          3. The offense of boating with excessive blood alcohol content is:

11          (1) A class B misdemeanor;

12          (2) A class A misdemeanor if the defendant is alleged and proved to be a prior  
13 boating offender;

14          (3) A class E felony if the defendant is alleged and proved to be a persistent boating  
15 offender;

16           (4) A class D felony if the defendant is alleged and proved to be an aggravated  
17 boating offender;

18           (5) A class C felony if the defendant is alleged and proved to be a chronic boating  
19 offender;

20           (6) A class B felony if the defendant is alleged and proved to be a habitual boating  
21 offender.

22           4. A person found guilty of the offense of boating with excessive blood alcohol  
23 content as a first offense shall not be granted a suspended imposition of sentence:

24           (1) Unless such person shall be placed on probation for a minimum of two years;  
25 or

26           (2) In a circuit where a DWI court or docket created under section 478.007 or other  
27 court-ordered treatment program is available, and where the offense was committed with  
28 fifteen-hundredths of one percent or more by weight of alcohol in such person's blood  
29 unless the individual participates in and successfully completes a program under such DWI  
30 court or docket or other court-ordered treatment program.

31           5. When a person is not granted a suspended imposition of sentence for the reasons  
32 described in subsection 3 of this section:

33           (1) If the individual operated the vessel with fifteen-hundredths to twenty  
34 hundredths of one percent by weight of alcohol in such person's blood, the required term  
35 of imprisonment shall be not less than forty-eight hours;

36           (2) If the individual operated the vessel with greater than twenty hundredths of one  
37 percent by weight of alcohol in such person's blood, the required term of imprisonment  
38 shall be not less than five days.

39           6. A person found guilty of the offense of boating with excessive blood alcohol  
40 content:

41           (1) As a prior boating offender, persistent boating offender, aggravated boating  
42 offender, chronic boating offender or habitual boating offender shall not be granted a  
43 suspended imposition of sentence or be sentenced to pay a fine in lieu of a term of  
44 imprisonment, section 557.011, to the contrary notwithstanding;

45           (2) As a prior boating offender shall not be granted parole or probation until he or  
46 she has served a minimum of ten days imprisonment:

47           (a) Unless as a condition of such parole or probation such person performs at least  
48 two hundred forty hours of community service under the supervision of the court in those  
49 jurisdictions which have a recognized program for community service; or

50           (b) The offender participates in and successfully completes a program established  
51 under section 478.007 or other court-ordered treatment program, if available;

52           (3) As a persistent boating offender shall not be granted parole or probation until  
53 he or she has served a minimum of thirty days imprisonment:

54           (a) Unless as a condition of such parole or probation such person performs at least  
55 four hundred eighty hours of community service under the supervision of the court in those  
56 jurisdictions which have a recognized program for community service; or

57           (b) The offender participates in and successfully completes a program established  
58 under section 478.007 or other court-ordered treatment program, if available;

59           (4) As an aggravated boating offender shall not be eligible for parole or probation  
60 until he or she has served a minimum of sixty days imprisonment;

61           (5) As a chronic boating offender shall not be eligible for parole or probation until  
62 he or she has served a minimum of two years imprisonment.

          [577.203.] **577.015.** 1. [It is unlawful for any] A person [to operate, or act as a flight  
2 crew member of, any aircraft in this state:

3           (1) While under the influence of alcohol or a controlled substance, or any combination  
4 thereof;

5           (2) With four one-hundredths of one percent or more by weight of alcohol in his blood;  
6 or

7           (3) Within eight hours after the consumption of any alcoholic beverage.

8           2. Any person found guilty of violating this section and section 577.201 shall have  
9 committed a class C misdemeanor.

10          3. Any person found guilty a second or subsequent time of violating this section and  
11 section 577.201 shall have committed a class A misdemeanor] **commits the offense of**  
12 **operating an aircraft while intoxicated if he or she, while in an intoxicated condition,**  
13 **knowingly operates any aircraft or knowingly acts as a copilot, flight engineer or flight**  
14 **navigator for an aircraft while in operation.**

15          **2. The offense of operating an aircraft while intoxicated is:**

16          **(1) A class C misdemeanor;**

17          **(2) A class A misdemeanor if the person has previously been found guilty of the**  
18 **offense of operating an aircraft while intoxicated or with an excessive blood alcohol**  
19 **content, or any offense committed in another jurisdiction which, if committed in this state,**  
20 **would be the offense of operating an aircraft with excessive blood alcohol content or while**  
21 **intoxicated.**

**577.016.** 1. A person commits the offense of operating an aircraft with excessive  
2 blood alcohol content if he or she knowingly operates any aircraft or knowingly acts as a  
3 copilot, flight engineer or flight navigator for an aircraft while in operation:

4           (1) With four one-hundredths of one percent or more by weight of alcohol in his  
5 or her blood; or

6           (2) Within eight hours after the consumption of any alcoholic beverage.

7           **2. The offense of operating an aircraft with excessive blood alcohol content is:**

8           **(1) A class C misdemeanor;**

9           **(2) A class A misdemeanor if the defendant has been found guilty of operating an**  
10 **aircraft with excessive blood alcohol content or operating an aircraft while intoxicated or**  
11 **any offense committed in any jurisdiction which, if committed in this state, would be the**  
12 **offense of operating an aircraft with excessive blood alcohol content or operating an**  
13 **aircraft while intoxicated.**

          577.017. 1. [No] A person [shall consume any] **commits the offense of consumption**  
2 **of an** alcoholic beverage while [operating] **driving if he or she operates** a moving motor vehicle  
3 upon [the highways, as defined in section 301.010] **any public thoroughfare for vehicles,**  
4 **including state roads, county roads and public streets, avenues, boulevards, parkways or**  
5 **alleys in any municipality while consuming any alcoholic beverage.**

6           2. [Any person found guilty of violating the provisions of this section is guilty of an  
7 infraction.

8           3. Any infraction under this section shall not reflect on any records with the department  
9 of revenue] **The offense of consumption of an alcoholic beverage while driving is an**  
10 **infraction and shall not be reflected on any records maintained by the department of**  
11 **revenue.**

          577.019. Sections 577.019 to 577.021 shall be known as the Alan Woods Law.

          577.020. 1. Any person who operates a [motor] vehicle upon the public highways of this  
2 state, **a vessel, or any aircraft, or acts as a flight crew member of an aircraft** shall be deemed  
3 to have given consent [to], subject to the provisions of sections 577.019 to 577.041, **to a**  
4 chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining  
5 the alcohol or drug content of the person's blood pursuant to the following circumstances:

6           (1) If the person is arrested for any offense arising out of acts which the arresting officer  
7 had reasonable grounds to believe were committed while the person was [driving a motor]  
8 **operating a vehicle or a vessel** while in an intoxicated [or drugged] condition; or

9           (2) **Detained for any offense of operating an aircraft while intoxicated under section**  
10 **577.015 or operating an aircraft with excessive blood alcohol content under section**  
11 **577.016; or**

12           (3) If the person is under the age of twenty-one, has been stopped by a law enforcement  
13 officer, and the law enforcement officer has reasonable grounds to believe that such person was  
14 [driving a motor] **operating a vehicle or a vessel** with a blood alcohol content of  
15 two-hundredths of one percent or more by weight; or

16           [(3)] (4) If the person is under the age of twenty-one, has been stopped by a law  
17 enforcement officer, and the law enforcement officer has reasonable grounds to believe that such  
18 person has committed a violation of the traffic laws of the state, or any political subdivision of  
19 the state, and such officer has reasonable grounds to believe, after making such stop, that such  
20 person has a blood alcohol content of two-hundredths of one percent or greater;

21           [(4)] **(5)** If the person is under the age of twenty-one, has been stopped at a sobriety  
22 checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that  
23 such person has a blood alcohol content of two-hundredths of one percent or greater;

24           [(5)] **(6)** If the person, while operating a [motor] vehicle, has been involved in a [motor  
25 vehicle] collision **or accident** which resulted in a fatality or a readily apparent serious physical  
26 injury as defined in section 565.002, or has been arrested as evidenced by the issuance of a  
27 uniform traffic ticket for the violation of any state law or county or municipal ordinance with the  
28 exception of equipment violations contained in [chapter] **chapters 306 and 307**, or similar  
29 provisions contained in county or municipal ordinances; or

30           [(6) If the person, while operating a motor vehicle, has been involved in a motor vehicle  
31 collision which resulted in a fatality or serious physical injury as defined in section 565.002.]

32           **(7)** The test shall be administered at the direction of the law enforcement officer  
33 whenever the person has been [arrested or] stopped, **detained, or arrested** for any reason.

34           2. The implied consent to submit to the chemical tests listed in subsection 1 of this  
35 section shall be limited to not more than two such tests arising from the same **stop, detention,**  
36 **arrest, incident or charge.**

37           3. **To be considered valid,** chemical analysis of the person's breath, blood, saliva, or  
38 urine [to be considered valid pursuant to the provisions of sections 577.019 to 577.041] shall be  
39 performed, according to methods approved by the state department of health and senior services,  
40 by licensed medical personnel or by a person possessing a valid permit issued by the state  
41 department of health and senior services for this purpose.

42           4. The state department of health and senior services shall approve satisfactory  
43 techniques, devices, equipment, or methods to be [considered valid] **used in the chemical test**  
44 pursuant to the provisions of sections 577.019 to 577.041 [and] . **The department shall also**  
45 establish standards to ascertain the qualifications and competence of individuals to conduct **such**  
46 analyses and [to] issue permits **for such purpose**, which shall be subject to termination or  
47 revocation by the state department of health and senior services.

48           5. The person tested may have a physician, or a qualified technician, chemist, registered  
49 nurse, or other qualified person at the choosing and expense of the person to be tested, administer  
50 a test in addition to any administered at the direction of a law enforcement officer. The failure  
51 or inability to obtain an additional test by a person shall not preclude the admission of evidence  
52 relating to the test taken at the direction of a law enforcement officer.

53           6. Upon the request of the person who is tested, full information concerning the test shall  
54 be made available to such person. Full information is limited to the following:

55           (1) The type of test administered and the procedures followed;

56           (2) The time of the collection of the blood [or] , breath [sample] , or urine **sample**  
57 analyzed;

58 (3) The numerical results of the test indicating the alcohol content of the blood and  
59 breath and urine;

60 (4) The type and status of any permit which was held by the person who performed the  
61 test;

62 (5) If the test was administered by means of a breath-testing instrument, the date [of  
63 performance] of the most recent [required] maintenance of such instrument. Full information  
64 does not include manuals, schematics, or software of the instrument used to test the person or  
65 any other material that is not in the actual possession of the state. Additionally, full information  
66 does not include information in the possession of the manufacturer of the test instrument.

67 7. Any person given a chemical test of the person's breath pursuant to subsection 1 of  
68 this section or a field sobriety test may be videotaped during any such test at the direction of the  
69 law enforcement officer. Any such video recording made during the chemical test pursuant to  
70 this subsection or a field sobriety test shall be admissible as evidence at [either] any trial of such  
71 person for [either] a violation of any state law or county or municipal ordinance, [or] **and at** any  
72 license revocation or suspension proceeding **held** pursuant to the provisions of chapter 302.

577.021. 1. Any state, county or municipal law enforcement officer [who has the power  
2 of arrest for violations of section 577.010 or 577.012 and] who is certified pursuant to chapter  
3 590 may, prior to arrest, administer a chemical test to any person suspected of operating a  
4 [motor] vehicle [in violation of section 577.010 or 577.012] , **vessel, or aircraft or acting as**  
5 **a flight crew member of an aircraft while in an intoxicated condition or with an excessive**  
6 **blood alcohol content.**

7 2. Any state, county, or municipal law enforcement officer who has the power of arrest  
8 for violations of section 577.010 or 577.012 and who is certified under chapter 590 shall make  
9 all reasonable efforts to administer a chemical test to any person suspected of [driving a motor]  
10 **operating a vehicle or vessel** involved in a collision **or accident** which resulted in a fatality or  
11 serious physical injury as defined in section [565.002] **556.061.**

12 3. A test administered pursuant to this section shall be admissible as evidence of  
13 probable cause to arrest and as exculpatory evidence, but shall not be admissible as evidence of  
14 blood alcohol content. The provisions of sections 577.019 and 577.020 shall not apply to a test  
15 administered prior to arrest pursuant to this section. [The provisions changing chapter 577 are  
16 severable from this legislation. The general assembly would have enacted the remainder of this  
17 legislation without the changes made to chapter 577, and the remainder of the legislation is not  
18 essentially and inseparably connected with or dependent upon the changes to chapter 577.]

577.023. 1. [For purposes of this section, unless the context clearly indicates otherwise:

2 (1) An "aggravated offender" is a person who:

3 (a) Has pleaded guilty to or has been found guilty of three or more intoxication-related  
4 traffic offenses; or



5 (b) Has pleaded guilty to or has been found guilty of one or more intoxication-related  
6 traffic offense and, in addition, any of the following: involuntary manslaughter under  
7 subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under  
8 section 565.021, where the underlying felony is an intoxication-related traffic offense; or assault  
9 in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law  
10 enforcement officer in the second degree under subdivision (4) of subsection 1 of section  
11 565.082;

12 (2) A "chronic offender" is:

13 (a) A person who has pleaded guilty to or has been found guilty of four or more  
14 intoxication-related traffic offenses; or

15 (b) A person who has pleaded guilty to or has been found guilty of, on two or more  
16 separate occasions, any combination of the following: involuntary manslaughter under  
17 subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under  
18 section 565.021, where the underlying felony is an intoxication-related traffic offense; assault  
19 in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law  
20 enforcement officer in the second degree under subdivision (4) of subsection 1 of section  
21 565.082; or

22 (c) A person who has pleaded guilty to or has been found guilty of two or more  
23 intoxication-related traffic offenses and, in addition, any of the following: involuntary  
24 manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the  
25 second degree under section 565.021, where the underlying felony is an intoxication-related  
26 traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section  
27 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of  
28 subsection 1 of section 565.082;

29 (3) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal  
30 alcohol concentration levels and tampering attempts at least once every hour, regardless of the  
31 location of the person who is being monitored, and regularly transmitting the data. Continuous  
32 alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of  
33 section 217.690;

34 (4) An "intoxication-related traffic offense" is driving while intoxicated, driving with  
35 excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of  
36 subsection 1 of section 565.024, murder in the second degree under section 565.021, where the  
37 underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant  
38 to subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the  
39 second degree pursuant to subdivision (4) of subsection 1 of section 565.082, or driving under  
40 the influence of alcohol or drugs in violation of state law or a county or municipal ordinance;

41 (5) A "persistent offender" is one of the following:

42 (a) A person who has pleaded guilty to or has been found guilty of two or more  
43 intoxication-related traffic offenses;

44 (b) A person who has pleaded guilty to or has been found guilty of involuntary  
45 manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, assault in the  
46 second degree pursuant to subdivision (4) of subsection 1 of section 565.060, assault of a law  
47 enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section  
48 565.082; and

49 (6) A "prior offender" is a person who has pleaded guilty to or has been found guilty of  
50 one intoxication-related traffic offense, where such prior offense occurred within five years of  
51 the occurrence of the intoxication-related traffic offense for which the person is charged.

52 2. Any person who pleads guilty to or is found guilty of a violation of section 577.010  
53 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A  
54 misdemeanor.

55 3. Any person who pleads guilty to or is found guilty of a violation of section 577.010  
56 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D  
57 felony.

58 4. Any person who pleads guilty to or is found guilty of a violation of section 577.010  
59 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a  
60 class C felony.

61 5. Any person who pleads guilty to or is found guilty of a violation of section 577.010  
62 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class  
63 B felony.

64 6. No state, county, or municipal court shall suspend the imposition of sentence as to a  
65 prior offender, persistent offender, aggravated offender, or chronic offender under this section  
66 nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011 to the  
67 contrary notwithstanding.

68 (1) No prior offender shall be eligible for parole or probation until he or she has served  
69 a minimum of ten days imprisonment:

70 (a) Unless as a condition of such parole or probation such person performs at least thirty  
71 days involving at least two hundred forty hours of community service under the supervision of  
72 the court in those jurisdictions which have a recognized program for community service; or

73 (b) The offender participates in and successfully completes a program established  
74 pursuant to section 478.007 or other court-ordered treatment program, if available.

75 (2) No persistent offender shall be eligible for parole or probation until he or she has  
76 served a minimum of thirty days imprisonment:

77 (a) Unless as a condition of such parole or probation such person performs at least sixty  
78 days involving at least four hundred eighty hours of community service under the supervision  
79 of the court; or

80 (b) The offender participates in and successfully completes a program established  
81 pursuant to section 478.007 or other court-ordered treatment program, if available.

82 (3) No aggravated offender shall be eligible for parole or probation until he or she has  
83 served a minimum of sixty days imprisonment.

84 (4) No chronic offender shall be eligible for parole or probation until he or she has  
85 served a minimum of two years imprisonment. In addition to any other terms or conditions of  
86 probation, the court shall consider, as a condition of probation for any person who pleads guilty  
87 to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain  
88 from consuming or using alcohol or any products containing alcohol as demonstrated by  
89 continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of  
90 four times per day as scheduled by the court for such duration as determined by the court, but not  
91 less than ninety days. The court may, in addition to imposing any other fine, costs, or  
92 assessments provided by law, require the offender to bear any costs associated with continuous  
93 alcohol monitoring or verifiable breath alcohol testing.

94 7. The state, county, or municipal] A court shall find the defendant to be a prior offender,  
95 **prior boating offender**, persistent offender, **persistent boating offender**, aggravated offender,  
96 [or] **aggravated boating offender**, chronic offender, **chronic boating offender**, **habitual**  
97 **offender, or habitual boating offender** if:

98 (1) The indictment or information, original or amended, or the information in lieu of an  
99 indictment pleads all essential facts warranting a finding that the defendant is a prior offender,  
100 **prior boating offender**, persistent offender, **persistent boating offender**, **aggravated offender**,  
101 **aggravated boating offender**, **chronic offender**, **chronic boating offender**, **habitual**  
102 **offender, or habitual boating offender**; and

103 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding  
104 beyond a reasonable doubt the defendant is a prior offender, **prior boating offender**, persistent  
105 offender, **persistent boating offender**, aggravated offender, [or] **aggravated boating offender**,  
106 chronic offender, **chronic boating offender**, **habitual offender, or habitual boating offender**;  
107 and

108 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt  
109 by the court that the defendant is a prior offender, **prior boating offender**, persistent offender,  
110 **persistent boating offender**, aggravated offender, [or] **aggravated boating offender**, chronic  
111 offender, **chronic boating offender**, **habitual offender, or habitual boating offender**.

112 [8.] 2. In a jury trial, the [facts] **defendant's status as a prior offender, prior boating**  
113 **offender, persistent offender, persistent boating offender, aggravated offender, aggravated**  
114 **boating offender, chronic offender, chronic boating offender, habitual offender, or habitual**  
115 **boating offender** shall be [pleaded, established and] found prior to submission to the jury  
116 outside of its hearing.

[9.] 3. In a trial without a jury or upon a plea of guilty, [the court may defer the proof in findings of such facts to a later time, but] **a determination of the defendant's status as a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender may be made by the court at any time prior to sentencing.**

4. **Evidence offered as proof of the defendant's status as a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender or habitual boating offender shall include but not be limited to evidence of findings of guilt received by a search of the records of the Missouri uniform law enforcement system, including criminal history records from the central repository or records from the driving while intoxicated tracking system (DWITS) maintained by the Missouri state highway patrol, or the certified driving record maintained by the Missouri department of revenue. Any findings of guilt used to establish defendant's status as a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender or habitual boating offender shall be prior to the date of commission of the present offense.**

[10.] 5. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

[11.] 6. The defendant may waive proof of the facts [alleged] **used to prove his or her status as a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender.**

[12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilt shall be prior to the date of commission of the present offense.

15.] 7. **If a court finds the defendant to be a prior offender, prior boating offender, persistent offender, persistent boating offender, aggravated offender, aggravated boating offender, chronic offender, chronic boating offender, habitual offender, or habitual boating offender,** the court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict [in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders].

[16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an intoxication-related traffic offense shall be heard and determined by the trial court out of the

155 hearing of the jury prior to the submission of the case to the jury, and shall include but not be  
156 limited to evidence received by a search of the records of the Missouri uniform law enforcement  
157 system, including criminal history records from the central repository or records from the driving  
158 while intoxicated tracking system (DWITS) maintained by the Missouri state highway patrol, or  
159 the certified driving record maintained by the Missouri department of revenue. After hearing the  
160 evidence, the court shall enter its findings thereon. A plea of guilty or a finding of guilt followed  
161 by incarceration, a fine, a suspended imposition of sentence, suspended execution of sentence,  
162 probation or parole or any combination thereof in any intoxication-related traffic offense in a  
163 state, county or municipal court or any combination thereof, shall be treated as a prior plea of  
164 guilty or finding of guilt for purposes of this section.]

165 **8. At sentencing, all parties shall be permitted to present additional information**  
166 **bearing on the issue of the sentence. Nothing in this section shall prevent the use of**  
167 **presentence investigations, sentencing advisory reports or commitments.**

577.029. A licensed physician, registered nurse, **phlebotomist**, or trained medical  
2 technician, acting at the request and direction of the law enforcement officer, shall withdraw  
3 blood for the purpose of determining the alcohol content of the blood, unless such medical  
4 personnel, in his or her good faith medical judgment, believes such procedure would endanger  
5 the life or health of the person in custody. Blood may be withdrawn only by such medical  
6 personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen,  
7 or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content  
8 thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the  
9 withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request  
10 of the person who is tested, full information concerning the test taken at the direction of the law  
11 enforcement officer shall be made available to him or her.

577.031. No person who administers any test pursuant to the provisions of sections  
2 577.020 to 577.041 upon the request of a law enforcement officer, no hospital in or with which  
3 such person is employed or is otherwise associated or in which such test is administered, and no  
4 other person, firm, or corporation by whom or with which such person is employed or is in any  
5 way associated, shall be civilly liable in damages to the person tested unless for gross negligence  
6 [or by] , willful or wanton act, or omission.

577.037. 1. Upon the trial of any person for [violation of any of the provisions of section  
2 565.024, or section 565.060, or section 577.010 or 577.012, or upon the trial of any criminal  
3 action] **any criminal offense** or violations of county or municipal ordinances, or in any license  
4 suspension or revocation proceeding pursuant to the provisions of **this** chapter [302] arising out  
5 of acts alleged to have been committed by any person while [driving] **operating** a motor vehicle,  
6 **vessel, or aircraft, or acting as a flight crew member of any aircraft**, while in an intoxicated  
7 condition **or with an excessive blood alcohol content**, the amount of alcohol in the person's  
8 blood at the time of the act [alleged] , as shown by any chemical analysis of the person's blood,

9 breath, saliva, or urine, is admissible in evidence and the provisions of subdivision (5) of section  
10 491.060 shall not prevent the admissibility or introduction of such evidence if otherwise  
11 admissible. [If there was eight-hundredths of one percent or more by weight of alcohol in the  
12 person's blood, this shall be prima facie evidence that the person was intoxicated at the time the  
13 specimen was taken.]

14       **2. If a chemical analysis of the defendant's breath, blood, saliva, or urine**  
15 **demonstrates there was eight-hundredths of one percent or more by weight of alcohol in**  
16 **the person's blood, this shall be prima facie evidence that the person was intoxicated at the**  
17 **time the specimen was taken. If a chemical analysis of the defendant's breath, blood,**  
18 **saliva, or urine demonstrates that there was less than eight-hundredths of one percent of**  
19 **alcohol in the defendant's blood, any charge alleging a criminal offense related to the**  
20 **operation of a vehicle, vessel, or aircraft while in an intoxicated condition or with an**  
21 **excessive blood alcohol content shall be dismissed with prejudice unless one or more of the**  
22 **following considerations cause the court to find a dismissal unwarranted:**

23       **(1) There is evidence that the chemical analysis is unreliable as evidence of the**  
24 **defendant's intoxication at the time of the alleged violation due to the lapse of time between**  
25 **the alleged violation and the obtaining of the specimen;**

26       **(2) There is evidence that the defendant was under the influence of a controlled**  
27 **substance, or drug, or a combination of either or both with or without alcohol; or**

28       **(3) There is substantial evidence of intoxication from physical observations of**  
29 **witnesses or admissions of the defendant.**

30       **3. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per**  
31 **one hundred milliliters of blood or grams of alcohol per two hundred ten liters of breath.**

32       **[3.] 4. The foregoing provisions of this section shall not be construed as limiting the**  
33 **introduction of any other competent evidence bearing upon the question of whether the person**  
34 **was intoxicated.**

35       **[4.] 5. A chemical analysis of a person's breath, blood, saliva or urine, in order to give**  
36 **rise to the presumption or to have the effect provided for in subsection [1] 2 of this section, shall**  
37 **have been performed as provided in sections 577.020 to 577.041 and in accordance with methods**  
38 **and standards approved by the state department of health and senior services.**

39       **[5. Any charge alleging a violation of section 577.010 or 577.012 or any county or**  
40 **municipal ordinance prohibiting driving while intoxicated or driving under the influence of**  
41 **alcohol shall be dismissed with prejudice if a chemical analysis of the defendant's breath, blood,**  
42 **saliva, or urine performed in accordance with sections 577.020 to 577.041 and rules promulgated**  
43 **thereunder by the state department of health and senior services demonstrate that there was less**  
44 **than eight-hundredths of one percent of alcohol in the defendant's blood unless one or more of**  
45 **the following considerations cause the court to find a dismissal unwarranted:**

46 (1) There is evidence that the chemical analysis is unreliable as evidence of the  
47 defendant's intoxication at the time of the alleged violation due to the lapse of time between the  
48 alleged violation and the obtaining of the specimen;

49 (2) There is evidence that the defendant was under the influence of a controlled  
50 substance, or drug, or a combination of either or both with or without alcohol; or

51 (3) There is substantial evidence of intoxication from physical observations of witnesses  
52 or admissions of the defendant.]

577.041. 1. If a person [under arrest, or who has been stopped pursuant to] **detained,  
2 stopped, or arrested under** subdivision (2) or (3) of subsection 1 of section 577.020, refuses  
3 upon the request of the officer to submit to any test allowed pursuant to section 577.020, then  
4 evidence of the refusal shall be admissible in [a] **any** proceeding [pursuant to section 565.024,  
5 565.060, or 565.082, or section 577.010 or 577.012] **related to the acts resulting from such  
6 detention, stop, or arrest.**

7 2. The request of the officer **to submit to any chemical test** shall include the reasons  
8 of the officer for requesting the person to submit to a test and also shall inform the person that  
9 evidence of refusal to take the test may be used against such person [and that the person's] . **If  
10 such person was operating a vehicle prior to such detention, stop, or arrest, he or she shall  
11 further be informed that his or her** license shall be immediately revoked upon refusal to take  
12 the test.

13 3. If a person, when requested to submit to any test allowed pursuant to section 577.020,  
14 requests to speak to an attorney, the person shall be granted twenty minutes in which to attempt  
15 to contact an attorney. If, upon the completion of the twenty-minute period, the person continues  
16 to refuse to submit to any test, it shall be deemed a refusal. [In the event, the officer shall, on  
17 behalf of the director of revenue, serve the notice of license revocation personally upon the  
18 person and shall take possession of any license to operate a motor vehicle issued by this state  
19 which is held by that person. The officer shall issue a temporary permit, on behalf of the director  
20 of revenue, which is valid for fifteen days and shall also give the person a notice of such person's  
21 right to file a petition for review to contest the license revocation.

22 2. The officer shall make a certified report under penalties of perjury for making a false  
23 statement to a public official. The report shall be forwarded to the director of revenue and shall  
24 include the following:

25 (1) That the officer has:

26 (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle  
27 while in an intoxicated or drugged condition; or

28 (b) Reasonable grounds to believe that the person stopped, being under the age of  
29 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths  
30 of one percent or more by weight; or

31 (c) Reasonable grounds to believe that the person stopped, being under the age of  
32 twenty-one years, was committing a violation of the traffic laws of the state, or political  
33 subdivision of the state, and such officer has reasonable grounds to believe, after making such  
34 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

35 (2) That the person refused to submit to a chemical test;

36 (3) Whether the officer secured the license to operate a motor vehicle of the person;

37 (4) Whether the officer issued a fifteen-day temporary permit;

38 (5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice  
39 of the right to file a petition for review, which notices and permit may be combined in one  
40 document; and

41 (6) Any license to operate a motor vehicle which the officer has taken into possession.

42 3. Upon receipt of the officer's report, the director shall revoke the license of the person  
43 refusing to take the test for a period of one year; or if the person is a nonresident, such person's  
44 operating permit or privilege shall be revoked for one year; or if the person is a resident without  
45 a license or permit to operate a motor vehicle in this state, an order shall be issued denying the  
46 person the issuance of a license or permit for a period of one year.

47 4. If a person's license has been revoked because of the person's refusal to submit to a  
48 chemical test, such person may petition for a hearing before a circuit division or associate  
49 division of the court in the county in which the arrest or stop occurred. The person may request  
50 such court to issue an order staying the revocation until such time as the petition for review can  
51 be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form  
52 prescribed by the director of revenue and shall send a copy of such order to the director. Such  
53 order shall serve as proof of the privilege to operate a motor vehicle in this state and the director  
54 shall maintain possession of the person's license to operate a motor vehicle until termination of  
55 any revocation pursuant to this section. Upon the person's request the clerk of the court shall  
56 notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on  
57 behalf of the director of revenue. At the hearing the court shall determine only:

58 (1) Whether or not the person was arrested or stopped;

59 (2) Whether or not the officer had:

60 (a) Reasonable grounds to believe that the person was driving a motor vehicle while in  
61 an intoxicated or drugged condition; or

62 (b) Reasonable grounds to believe that the person stopped, being under the age of  
63 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths  
64 of one percent or more by weight; or

65 (c) Reasonable grounds to believe that the person stopped, being under the age of  
66 twenty-one years, was committing a violation of the traffic laws of the state, or political  
67 subdivision of the state, and such officer had reasonable grounds to believe, after making such  
68 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and



69 (3) Whether or not the person refused to submit to the test.

70 5. If the court determines any issue not to be in the affirmative, the court shall order the  
71 director to reinstate the license or permit to drive.

72 6. Requests for review as provided in this section shall go to the head of the docket of  
73 the court wherein filed.

74 7. No person who has had a license to operate a motor vehicle suspended or revoked  
75 pursuant to the provisions of this section shall have that license reinstated until such person has  
76 participated in and successfully completed a substance abuse traffic offender program defined  
77 in section 577.001, or a program determined to be comparable by the department of mental  
78 health or the court. Assignment recommendations, based upon the needs assessment as  
79 described in subdivision (23) of section 302.010, shall be delivered in writing to the person with  
80 written notice that the person is entitled to have such assignment recommendations reviewed by  
81 the court if the person objects to the recommendations. The person may file a motion in the  
82 associate division of the circuit court of the county in which such assignment was given, on a  
83 printed form provided by the state courts administrator, to have the court hear and determine  
84 such motion pursuant to the provisions of chapter 517. The motion shall name the person or  
85 entity making the needs assessment as the respondent and a copy of the motion shall be served  
86 upon the respondent in any manner allowed by law. Upon hearing the motion, the court may  
87 modify or waive any assignment recommendation that the court determines to be unwarranted  
88 based upon a review of the needs assessment, the person's driving record, the circumstances  
89 surrounding the offense, and the likelihood of the person committing a like offense in the future,  
90 except that the court may modify but may not waive the assignment to an education or  
91 rehabilitation program of a person determined to be a prior or persistent offender as defined in  
92 section 577.023, or of a person determined to have operated a motor vehicle with  
93 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with  
94 the court determination of the motion shall satisfy the provisions of this section for the purpose  
95 of reinstating such person's license to operate a motor vehicle. The respondent's personal  
96 appearance at any hearing conducted pursuant to this subsection shall not be necessary unless  
97 directed by the court.

98 8. The fees for the substance abuse traffic offender program, or a portion thereof to be  
99 determined by the division of alcohol and drug abuse of the department of mental health, shall  
100 be paid by the person enrolled in the program. Any person who is enrolled in the program shall  
101 pay, in addition to any fee charged for the program, a supplemental fee to be determined by the  
102 department of mental health for the purposes of funding the substance abuse traffic offender  
103 program defined in section 302.010 and section 577.001. The administrator of the program shall  
104 remit to the division of alcohol and drug abuse of the department of mental health on or before  
105 the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less  
106 two percent for administrative costs. Interest shall be charged on any unpaid balance of the

107 supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall  
108 accrue at a rate not to exceed the annual rates established pursuant to the provisions of section  
109 32.065, plus three percentage points. The supplemental fees and any interest received by the  
110 department of mental health pursuant to this section shall be deposited in the mental health  
111 earnings fund which is created in section 630.053.

112 9. Any administrator who fails to remit to the division of alcohol and drug abuse of the  
113 department of mental health the supplemental fees and interest for all persons enrolled in the  
114 program pursuant to this section shall be subject to a penalty equal to the amount of interest  
115 accrued on the supplemental fees due the division pursuant to this section. If the supplemental  
116 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the  
117 department of mental health within six months of the due date, the attorney general of the state  
118 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.  
119 The court shall assess attorney fees and court costs against any delinquent program.

120 10. Any person who has had a license to operate a motor vehicle revoked more than once  
121 for violation of the provisions of this section shall be required to file proof with the director of  
122 revenue that any motor vehicle operated by the person is equipped with a functioning, certified  
123 ignition interlock device as a required condition of license reinstatement. Such ignition interlock  
124 device shall further be required to be maintained on all motor vehicles operated by the person  
125 for a period of not less than six months immediately following the date of reinstatement. If the  
126 person fails to maintain such proof with the director as required by this section, the license shall  
127 be rerevoked and the person shall be guilty of a class A misdemeanor.

128 11. The revocation period of any person whose license and driving privilege has been  
129 revoked under this section and who has filed proof of financial responsibility with the  
130 department of revenue in accordance with chapter 303 and is otherwise eligible, shall be  
131 terminated by a notice from the director of revenue after one year from the effective date of the  
132 revocation. Unless proof of financial responsibility is filed with the department of revenue, the  
133 revocation shall remain in effect for a period of two years from its effective date. If the person  
134 fails to maintain proof of financial responsibility in accordance with chapter 303, the person's  
135 license and driving privilege shall be rerevoked and the person shall be guilty of a class A  
136 misdemeanor.]

577.060. 1. A person commits the [crime] **offense** of leaving the scene of [a motor  
2 vehicle] **an** accident when:

3 (1) Being the operator [or driver] of a vehicle [on the highway or on any publicly or  
4 privately owned parking lot or parking facility generally open for use by the public and knowing  
5 that an injury has been caused to a person or damage has been caused to property, due to his  
6 culpability or to accident,] **or a vessel involved in an accident resulting in injury or death or**  
7 **damage to property of another person; and**

8           **(2) Having knowledge of such accident** he or she leaves the place of the injury,  
9 damage or accident without stopping and giving [his name, residence, including city and street  
10 number, motor vehicle number and driver's license number, if any,] **the following information**  
11 to the [injured] **other** party or to a [police] **law enforcement** officer, or if no [police] **law**  
12 **enforcement** officer is in the vicinity, then to the nearest [police station or judicial officer] **law**  
13 **enforcement agency:**

- 14           **(a) His or her name; and**  
15           **(b) His or her residence, including city and street number; and**  
16           **(c) The registration or license number for his or her vehicle or vessel; and**  
17           **(d) His or her operator's license number, if any.**

18           2. For the purposes of this section, all [peace] **law enforcement** officers shall have  
19 jurisdiction, when invited by an injured person, to enter the premises of any privately owned  
20 [parking lot or parking facility] **property** for the purpose of investigating an accident and  
21 performing all necessary duties regarding such accident.

22           3. **The offense of** leaving the scene of [a motor vehicle] **an** accident is [a class A  
23 misdemeanor, except that it shall be a class D felony if the accident resulted in:

- 24           (1) Physical injury to another party; or  
25           (2) Property damage in excess of one thousand dollars; or  
26           (3) If the defendant has previously pled guilty to or been found guilty of a violation of  
27 this section] :

- 28           **(1) A class A misdemeanor;**  
29           **(2) A class E felony if:**  
30           **(a) Physical injury was caused to another party; or**  
31           **(b) Damage in excess of one thousand dollars was caused to the property of another**  
32 **person; or**  
33           **(c) The defendant has previously been found guilty of a violation of any offense**  
34 **committed in another jurisdiction which, if committed in this state, would be a violation**  
35 **of an offense in this section.**

36           4. A law enforcement officer who investigates or receives information of an accident  
37 involving an all-terrain vehicle and also involving the loss of life or serious physical injury  
38 shall make a written report of the investigation or information received and such  
39 additional facts relating to the accident as may come to his or her knowledge, mail the  
40 information to the department of public safety, and keep a record thereof in his or her  
41 office.

42           5. The provisions of this section shall not apply to the operation of all-terrain  
43 vehicles when property damage is sustained in sanctioned all-terrain vehicle races, derbies  
44 and rallies.

577.068. 1. A person commits the [crime] **offense** of [leaving the scene of] **failure to report** a shooting when[,] :

(1) Being in possession of a firearm or projectile weapon as defined in section 571.010, [such person] **he or she** discharges such firearm or projectile weapon and causes injury or death to another person [and such person,] ; **and**

(2) Knowing that he **or she** has caused such injury or death, [leaves the place of the shooting without giving his name, address, and driver's license number, if applicable,] **fails to report such shooting** to a law enforcement officer. If no such officer is in the vicinity where the shooting occurs, the person must provide such information to the nearest [police station or] law enforcement [officer. A person is not in violation of this section if he leaves the scene of a shooting in order to obtain medical assistance or contact law enforcement authorities to notify them of the shooting, so long as such person returns to the scene of the shooting or otherwise provides the information required by this section to a law enforcement officer within a reasonable time after the shooting] **agency**.

**2. Failure to report a shooting is:**

(1) **A class A misdemeanor;**

(2) **A class E felony if the person has previously been found guilty of a violation of this section or any offense committed in another jurisdiction which, if committed in this state, would be a violation of an offense described in this section.**

**3. A person is not in violation of this section if he or she fails to report a shooting in order to obtain medical assistance or contact law enforcement authorities to notify them of the shooting, so long as such person returns to the scene of the shooting or otherwise reports the shooting as provided herein within a reasonable time after the shooting.**

[2.] **4. All [peace] law enforcement officers and reserve [peace] law enforcement officers [certified under the provisions of chapter 590] shall have authority to investigate shootings and arrest a person who violates subsection 1 of this section, except that conservation agents may enforce such provisions as to hunting related shootings. For the purpose of this section, a "hunting-related shooting" shall be defined as any shooting in which a person is injured as a result of hunting activity that involves the discharge of a hunting weapon.**

[3. Leaving the scene of a shooting is a class A misdemeanor, except that it is a class D felony if the person has previously pled guilty to or been found guilty of a violation of this section.]

577.070. 1. A person commits the [crime] **offense** of littering if he [throws or] **or she** places, **deposits**, or causes to be [thrown or] placed **or deposited**, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or state highway or on or in any of the waters in this state or on the banks of any stream, or on any land or water owned, operated or leased by the state, any board, department, agency or commission thereof or on any land or water owned, operated or

7 leased by the federal government or on any private real property owned by another without [his]  
8 **the owner's** consent.

9 2. **The offense of littering is a class [A] C misdemeanor unless:**

10 (1) **Such littering creates a substantial risk of physical injury or property damage**  
11 **to another; or**

12 (2) **The person has been found guilty of a violation of this section or an offense**  
13 **committed in another jurisdiction which, if committed in this state, would be a violation**  
14 **under this section, in which case it is a class A misdemeanor.**

577.073. 1. [It is unlawful for any] A person [to throw waste paper, tin cans, bottles,  
2 rubbish of any kind, or contaminate in any manner, any spring, pool or stream within a state park,  
3 nor shall any person other than authorized personnel of the department of natural resources cut,  
4 prune, pick or deface or injure in any manner the flowers, trees, shrub or any other flora growing  
5 on the land or in the water of any state park] **commits the offense of damaging state park**  
6 **property if he or she:**

7 (1) **Knowingly places or deposits waste paper, tin cans, bottles, or rubbish of any**  
8 **kind within a state park;**

9 (2) **Contaminates, in any manner, any spring, pool, or stream within a state park;**

10 (3) **Cuts, prunes, picks, defaces, or injures, in any manner, the flowers, trees, shrub,**  
11 **or any other flora growing on the land or in the water of any state park except as**  
12 **performed or directed by authorized personnel of the department of natural resources;**

13 (4) **Removes, injures, disfigures, defaces, or destroys an object of archaeological or**  
14 **historical value or interest within a state park except as performed or directed by**  
15 **authorized personnel of the department of natural resources.**

16 2. [No person shall be permitted to offer or advertise merchandise or other goods for sale  
17 or hire, or to maintain any concession, or use any park facilities, buildings, trails, roads or other  
18 state park property for commercial use except by written permission or concession contract with  
19 the department of natural resources.

20 3. No object of archaeological or historical value or interest within a state park may be  
21 removed, injured, disfigured, defaced or destroyed except by authorized personnel.

22 4. Any person violating any of the provisions of this section shall be deemed guilty of  
23 a misdemeanor] **The offense of damaging state park property is a class C misdemeanor,**  
24 **unless:**

25 (1) **Such damage creates a substantial risk of physical injury or property damage**  
26 **to another; or**

27 (2) **The defendant has previously been found guilty of a violation of this section or**  
28 **an offense committed in another jurisdiction which, if committed in this state, would be a**  
29 **violation under this section, in which case it is a class A misdemeanor.**

577.075. 1. [It shall be unlawful for any] **A person commits the offense of unlawful release of anhydrous ammonia if he or she is** not the owner or not in lawful control of an approved container of anhydrous ammonia [to release or allow] **and knowingly releases or allows** the escape of anhydrous ammonia into the atmosphere.

2. **The offense of** unlawful release of anhydrous ammonia is a class B felony, unless such release causes **serious physical injury or** death [of a human being or causes serious physical injury] to any person in which case it is a class A felony.

577.076. 1. [If any] **A person** [or persons shall put any dead animal, carcass or part thereof, the offal or any other filth] **commits the offense of unlawful disposition of a dead animal if he or she knowingly places or causes to be placed the carcass or offal of any dead animal:**

(1) Into any well, spring, brook, branch, creek, pond, or lake[, every person so offending shall, on conviction thereof, be fined not less than twenty-five nor more than five hundred dollars.

2. If any person shall remove, or cause to be removed and placed in or near any] ; or

(2) **On any public road or highway, river, stream, or watercourse** or upon premises not his **or her** own[, or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance, to the annoyance of the citizens of this state, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars nor more than five hundred dollars, and if such nuisance be not removed within three days thereafter, it shall be deemed a second offense against the provisions of this section] **for the purpose of annoying another or others.**

2. **The offense of unlawful disposition of a dead animal is a class C misdemeanor.**

[569.072.] **577.078.** 1. A person commits the [crime] **offense** of criminal water contamination if such person knowingly introduces any dangerous radiological, chemical or biological agent or substance into any public or private waters of the state or any water supply with the purpose of causing death or serious physical injury to another person.

2. **The offense of** criminal water contamination is a class B felony.

577.080. 1. A person commits the [crime] **offense** of abandoning a [motor] vehicle, vessel, or trailer if he **or she knowingly** abandons any motor vehicle, vessel, or trailer on:

(1) The right-of-way of any public road or state highway [or] ;

(2) On or in any of the waters in this state [or] ;

(3) On the banks of any stream[, or] ;

(4) On any land or water owned, operated or leased by the state, any board, department, agency or commission thereof, or any political subdivision thereof [or] ;

(5) On any land or water owned, operated or leased by the federal government; or

(6) On any private real property owned by another without his **or her** consent.

10           2. For purposes of this section, the last owner of record of a [motor] vehicle, vessel, or  
11 trailer found abandoned and not shown to be transferred pursuant to sections 301.196 and  
12 301.197 shall be deemed prima facie [to have been the owner] **evidence of ownership** of such  
13 [motor] vehicle, vessel, or trailer at the time it was abandoned and [to have been] the person who  
14 abandoned the [motor] vehicle, vessel, or trailer or caused or procured its abandonment. The  
15 registered owner of the abandoned [motor] vehicle, vessel, or trailer shall not be subject to the  
16 penalties provided by this section if the [motor] vehicle, vessel, or trailer was in the care,  
17 custody, or control of another person at the time of the violation. In such instance, the owner  
18 shall submit such evidence in an affidavit permitted by the court setting forth the name, address,  
19 and other pertinent information of the person who leased, rented, or otherwise had care, custody,  
20 or control of the [motor] vehicle, vessel, or trailer at the time of the alleged violation. The  
21 affidavit submitted pursuant to this subsection shall be admissible in a court proceeding  
22 adjudicating the alleged violation and shall raise a rebuttable presumption that the person  
23 identified in the affidavit was in actual control of the [motor] vehicle, vessel, or trailer. In such  
24 case, the court has the authority to terminate the prosecution of the summons issued to the owner  
25 and issue a summons to the person identified in the affidavit as the operator. If the [motor]  
26 vehicle, vessel, or trailer is alleged to have been stolen, the owner of the [motor] vehicle, vessel,  
27 or trailer shall submit proof that a police report was filed in a timely manner indicating that the  
28 vehicle or vessel was stolen at the time of the alleged violation.

29           3. **The offense of** abandoning a [motor] vehicle, vessel, or trailer is a class A  
30 misdemeanor.

31           4. Any person convicted pursuant to this section shall be civilly liable for all reasonable  
32 towing, storage, and administrative costs associated with the abandonment of the [motor]  
33 vehicle, vessel, or trailer. Any reasonable towing, storage, and administrative costs in excess of  
34 the value of the abandoned [motor] vehicle, vessel, or trailer that exist at the time the [motor  
35 vehicle or vessel] **property** is transferred pursuant to section 304.156 shall remain the liability  
36 of the person convicted pursuant to this section so long as the towing company, as defined in  
37 chapter 304, provided the title owner and lienholders, as ascertained by the department of  
38 revenue records, a notice within the time frame and in the form as described in subsection 1 of  
39 section 304.156.

577.100. 1. A person commits the [crime] **offense** of abandonment of **an** airtight  
2 [icebox] **or semiairtight container** if he **or she knowingly** abandons, discards, or [knowingly]  
3 permits to remain on premises under his **or her** control, in a place accessible to children, any  
4 abandoned or discarded icebox, refrigerator, or other airtight or semiairtight container which has  
5 a capacity of one and one-half cubic feet or more and an opening of fifty square inches or more  
6 and which has a door or lid equipped with hinge, latch or other fastening device capable of  
7 securing such door or lid, without rendering such equipment harmless to human life by removing  
8 such hinges, latches or other hardware which may cause a person to be confined therein.

9           2. Subsection 1 of this section does not apply to an icebox, refrigerator or other airtight  
10 or semiairtight container located in that part of a building occupied by a dealer, [warehouseman  
11 or repairman] **warehouse operator or repair person**.

12           3. The defendant shall have the burden of injecting the issue under subsection 2 of this  
13 section.

14           4. **The offense of** abandonment of an airtight [icebox] **or semiairtight container** is a  
15 class B misdemeanor.

              577.150. [Whoever willfully or maliciously] **1. A person commits the offense of**  
2 **tampering with a water supply if he or she purposely:**

3           **(1)** Poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir  
4 used for domestic or municipal purposes[, or whoever willfully or maliciously] ; **or**

5           **(2)** Diverts, dams up and holds back from its natural course and flow any spring, brook  
6 or other water supply for domestic or municipal purposes, after said water supply shall have once  
7 been taken for use by any person or persons, corporation, town or city for their use[, shall be  
8 adjudged guilty of a misdemeanor, and punished by a fine not less than fifty nor more than five  
9 hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such  
10 fine and imprisonment, and shall be liable to the party injured for three times the actual damage  
11 sustained, to be recovered by suit at law].

12           **2. The offense of tampering with a water supply is a class A misdemeanor.**

              577.155. 1. [No] A person, firm, corporation or political subdivision [shall construct or  
2 use any waste disposal well located in this state] **commits the offense of construction or use**  
3 **of a waste disposal well if such person, firm, corporation, or political subdivision**  
4 **knowingly constructs or uses a waste disposal well.**

5           2. As used in this section, "waste disposal well" [shall mean] **means** any subsurface void  
6 porous formation or cavity, natural or artificial, used for the disposal of liquid or semi-aqueous  
7 waste except as excluded in subsection 3 of this section.

8           3. "Waste disposal well" shall not include:

9           (1) Sanitary landfills or surface mining pits used for the disposal of nonputrescible solid  
10 wastes as defined in section 64.460;

11           (2) Cesspools used solely for disposal of waste from private residences; or

12           (3) Septic tanks used solely for disposal of waste.

13           4. It shall not be a violation of this section to:

14           (1) Inject or return fluids into subsurface formations in connection with oil or gas  
15 operations regulated by the state oil and gas council pursuant to chapter 259;

16           (2) Inject or return water into subsurface formations pursuant to chapter 644 and section  
17 192.020 in connection with the following instances:

18           (a) Any groundwater heat pump injection/withdrawal well that is limited to a single  
19 family residence;



20 (b) Any groundwater heat pump injection/withdrawal well that is limited to eight or less  
21 single family residences as long as the combined injection/withdrawal rate is less than six  
22 hundred thousand British Thermal Units per hour;

23 (c) All other uses of groundwater heat pump injection/withdrawal wells shall be subject  
24 to a permitting procedure as established and regulated by the clean water commission; or

25 (3) Backfill cavities as an integral part of the mining operation with aggregate or other  
26 material obtained from that operation to either reduce accumulation of waste on the surface or  
27 to provide additional ground support in the mined-out areas or to inundate such cavities with  
28 water devoid of toxic liquid wastes, but the person, firm, or corporation who so backfills may  
29 not do so without the consent of the owner of the property to be backfilled.

30 5. [Any person, firm, or corporation who violates any provision of this section is guilty  
31 of a misdemeanor and, upon conviction, shall be punished as provided by law] **The offense of**  
32 **construction or use of a waste disposal well is a class A misdemeanor.** Each day of violation  
33 constitutes a separate offense.

577.161. 1. [No] A person [shall prohibit] **commits the offense of prohibiting** the use  
2 of a life jacket **if he or she knowingly disallows the use of a life jacket** in a swimming pool  
3 by any individual who, as evidenced by a statement signed by a licensed physician, suffers from  
4 a physical disability or condition which necessitates the use of such life jacket.

5 2. [Any person violating subsection 1 of this section shall be guilty of] **As used in this**  
6 **section the following terms mean:**

7 (1) "Swimming pool", any artificial basin of water which is modified, improved,  
8 constructed or installed for the purpose of public swimming, and includes: pools for  
9 community use, pools at apartments, condominiums, and other groups of associations  
10 having five or more living units, clubs, churches, camps, schools, institutions, Y.M.C.A. and  
11 Y.W.C.A. parks, recreational areas, motels, hotels and other commercial establishments.  
12 It does not include pools at private residences intended only for the use of the owner or  
13 guests;

14 (2) "Person", any individual, group of individuals, association, trust, partnership,  
15 corporation, person doing business under an assumed name, county, municipality, the state  
16 of Missouri, or any political subdivision or department thereof, or any other entity;

17 (3) "Life jacket", a life jacket, life vest or any other flotation device designed to be  
18 worn about the body to assist in maintaining buoyancy in water.

19 3. **The offense of prohibiting the use of a life jacket is a class C misdemeanor.**

[568.052.] **577.300.** 1. As used in this section, the following terms mean:

2 (1) "Collision", the act of a motor vehicle coming into contact with an object or a person;

3 (2) ["Injury"], **"Injures", to cause** physical harm to the body of a person;

4 (3) "Motor vehicle", any automobile, truck, truck-tractor, or any motor bus or  
5 motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks;

6 (4) "Unattended", not accompanied by an individual fourteen years [of age] **old** or older.  
7 2. A person commits the [crime] **offense** of leaving a child unattended in a motor vehicle  
8 in the first degree if such person knowingly leaves a child [ten years of age or] less **than eleven**  
9 **years of age** unattended in a motor vehicle and such child fatally injures another person by  
10 causing a motor vehicle collision or by causing the motor vehicle to fatally injure a pedestrian.  
11 [Such person shall be guilty of].

12 **3. Leaving a child unattended in a motor vehicle in the first degree is a class C**  
13 **felony.**

14 [3.] **4. A person commits the [crime] offense of leaving a child unattended in a motor**  
15 **vehicle in the second degree if such person knowingly leaves a child [ten years of age or] less**  
16 **than eleven years old** unattended in a motor vehicle and such child injures another person by  
17 causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian. [Such  
18 person shall be guilty of] .

19 **5. The offense of leaving a child unattended in a motor vehicle in the second degree**  
20 **is a class A misdemeanor.**

**577.599. 1. A person commits the offense of failure to comply with ignition**  
2 **interlock device requirements if he or she knowingly operates a motor vehicle that is not**  
3 **equipped with a functioning certified ignition interlock device in violation of a court order**  
4 **to use such a device.**

5 **2. The offense of failure to comply with ignition interlock device requirements is**  
6 **a class A misdemeanor.**

**577.600. 1. [In addition to any other provisions of law, a court may require that any**  
2 **person who is found guilty of or pleads guilty to a first intoxication-related traffic offense, as**  
3 **defined in section 577.023, and a court shall require that any person who is found guilty of or**  
4 **pleads guilty to a second or subsequent intoxication-related traffic offense, as defined in section**  
5 **577.023, shall not operate any motor vehicle unless that vehicle is equipped with a functioning,**  
6 **certified ignition interlock device for a period of not less than six months from the date of**  
7 **reinstatement of the person's driver's license. In addition, any court authorized to grant a limited**  
8 **driving privilege under section 302.309 to any person who is found guilty of or pleads guilty to**  
9 **a second or subsequent intoxication-related traffic offense shall require the use of an ignition**  
10 **interlock device on all vehicles operated by the person as a required condition of the limited**  
11 **driving privilege. These requirements shall be in addition to any other provisions of this chapter**  
12 **or chapter 302 requiring installation and maintenance of an ignition interlock device. Any**  
13 **person required to use an ignition interlock device, either under the provisions of this chapter or**  
14 **chapter 302, shall comply with such requirement subject to the penalties provided by this section.**

15 **2. No] A person [shall knowingly rent, lease or lend a motor] commits the offense of**  
16 **renting, leasing, or lending a vehicle to a person [known to have had that person's driving**  
17 **privilege restricted as provided in subsection 1 of this section,] with a limited driving privilege**

18 **if he or she knowingly rents, leases, or lends a vehicle to a person subject to a limited**  
19 **driving privilege under section 302.309 requiring that person to use an ignition interlock**  
20 **device on all vehicles operated by the person** unless the vehicle [is equipped with a  
21 functioning, certified ignition interlock device. Any person whose driving privilege is restricted  
22 as provided in subsection 1 of this section shall notify any other person who rents, leases or loans  
23 a motor vehicle to that person of the driving restriction imposed pursuant to this section.

24 3. Any person convicted of a violation of this section shall be guilty of] **being rented,**  
25 **leased, or loaned is equipped with a functioning, certified ignition interlock device.**

26 2. **The offense of renting, leasing, or lending a vehicle to a person with a restricted**  
27 **driving privilege is a class A misdemeanor.**

577.605. 1. **A person commits the offense of failure to notify another of driving**  
2 **restrictions if he or she is subject to a limited driving privilege under section 302.309,**  
3 **requiring him or her to use of an ignition interlock device on all vehicles he or she operates**  
4 **and he or she knowingly fails to notify any other person who rents, leases or loans a vehicle**  
5 **to that person of such driving restriction.**

6 2. **The offense of failing to notify another of driving restrictions is a class A**  
7 **misdemeanor.**

577.612. 1. [It is unlawful for any] **A person [whose driving privilege is restricted**  
2 **pursuant to the provisions of this chapter or chapter 302 to request or solicit any other person to**  
3 **blow into an ignition interlock device or to start a motor vehicle equipped with the device for the**  
4 **purpose of providing the person so restricted with an operable motor vehicle.] commits the**  
5 **offense of tampering with or circumventing the operation of an ignition interlock device**  
6 **if:**

7 (1) **His or her driving privilege is restricted by a prohibition on the operation of any**  
8 **vehicle unless that vehicle is equipped with a functioning, certified ignition interlock**  
9 **device, and he or she knowingly requests or solicits any other person to blow into an**  
10 **ignition interlock device or to start a vehicle equipped with the device for the purpose of**  
11 **providing the person so restricted with an operable vehicle; or**

12 [2. It is unlawful to blow]

13 (2) **He or she blows** into an ignition interlock device or [to start a motor] **starts a**  
14 **vehicle equipped with the device for the purpose of providing an operable [motor] vehicle to a**  
15 **person whose driving privilege is restricted pursuant to the provisions of this chapter or chapter**  
16 **302[.] by a prohibition on the operation of any vehicle unless that vehicle is equipped with**  
17 **a functioning, certified ignition interlock device; or**

18 [3. It is unlawful to tamper]

19 (3) **He or she tampers** with, or [circumvent] **circumvents** the operation of, an ignition  
20 interlock device.

21 [4. Any person who violates any provision of this section is guilty of]

22           **2. The offense of tampering with or circumventing the operation of an ignition**  
23 **interlock device is a class A misdemeanor.**

          577.675. 1. [It shall be unlawful for any person to knowingly transport, move, or attempt  
2 to transport in the state of Missouri] **A person commits the offense of transportation of an**  
3 **illegal alien if he or she knowingly transports, moves, or attempts to transport or move any**  
4 **illegal alien who is not lawfully present in the United States, according to the terms of 8 U.S.C.**  
5 **Section 1101, et seq., for the purposes of trafficking in violation of sections 566.200 to 566.215,**  
6 **drug trafficking in violation of sections [195.222 and 195.223] 579.065 and 579.068,**  
7 **prostitution in violation of chapter 567, or employment.**

8           2. [Any person violating the provisions of subsection 1 of this section shall be guilty of  
9 a felony for which the authorized term of imprisonment is a term of years not less than one year,  
10 or by a fine in an amount not less than one thousand dollars, or by both such fine and  
11 imprisonment] **The offense of transportation of an illegal alien is a class D felony.**

12           3. Nothing in this section shall be construed to deny any victim of an offense under  
13 sections 566.200 to 566.215 of rights afforded by the federal Trafficking Victims Protection Act  
14 of 2000, Public Law 106-386, as amended.

          [578.300.] **577.700.** As used in sections [578.300 to 578.330] **577.700 to 577.718** and  
2 section 307.176 unless the context clearly requires otherwise, the following terms shall mean:

3           (1) "Bus", any passenger bus or coach or other motor vehicle having a seating capacity  
4 of not less than fifteen passengers operated by a bus transportation company for the purpose of  
5 carrying passengers or cargo for hire, but not to include a bus or coach utilized exclusively to  
6 transport children to and from schools;

7           (2) "Bus transportation company" or "company", any person, groups of persons or  
8 corporation providing for-hire transport to passengers or cargo by bus upon the highways of this  
9 state, whether in interstate or intrastate travel, but not to include a company utilizing buses  
10 transporting children to and from school. This term shall also include bus transportation  
11 facilities owned or operated by local public bodies, municipalities, public corporations, boards  
12 and commissions except school districts established under the laws of this state;

13           (3) "Charter", a group of persons who, pursuant to a common purpose and under a single  
14 contract, and at a fixed charge for the vehicle in accordance with a bus transportation company's  
15 tariff, have acquired the exclusive use of a bus to travel together as a group to a specified  
16 destination;

17           (4) "Passenger", any person served by the transportation company and, in addition to the  
18 ordinary meaning of passenger, this term shall also include persons accompanying or meeting  
19 another who is transported by a company, any person shipping or receiving cargo;

20           (5) "Terminal", a bus station or depot or any facility operated or leased by or operated  
21 on behalf of a bus transportation company, including a reasonable area immediately adjacent to

22 any designated stop along the route traveled by any coach operated by a bus transportation  
23 company, and parking lots or parking areas adjacent to a terminal.

[578.305.] **577.703.** 1. **A person commits** the offense of ["bus hijacking"] is defined  
2 as the seizure or exercise of] **if he or she seizes or exercises** control, by force or violence or  
3 threat of force or violence, of any bus [within the jurisdiction of this state]. **The offense of bus**  
4 **hijacking [shall be] is a class B felony.**

5 2. The offense of "assault with the intent to commit bus hijacking" is defined as an  
6 intimidation, threat, assault or battery toward any driver, attendant or guard of a bus so as to  
7 interfere with the performance of duties by such person. Assault to commit bus hijacking [shall  
8 **be] is a class [C] D felony.**

9 3. Any person, who, in the commission of such intimidation, threat, assault or battery  
10 with the intent to commit bus hijacking, employs a dangerous or deadly weapon or other means  
11 capable of inflicting serious bodily injury shall, upon conviction, be guilty of a class A felony.

12 4. Any passenger who boards a bus with a dangerous or deadly weapon or other means  
13 capable of inflicting serious bodily injury concealed upon his **or her** person or effects is guilty  
14 of the felony of "possession and concealment of a dangerous or deadly weapon" upon a bus.  
15 Possession and concealment of a dangerous and deadly weapon by a passenger upon a bus [shall  
16 **be] is a class [C] D felony.** The provisions of this subsection shall not apply to duly elected or  
17 appointed law enforcement officers or commercial security personnel who are in possession of  
18 weapons used within the course and scope of their employment; nor shall the provisions of this  
19 subsection apply to persons who are in possession of weapons or other means of inflicting  
20 serious bodily injury with the consent of the owner of such bus, [or] his **or her** agent, or the  
21 lessee or bailee of such bus.

[578.310.] **577.706.** 1. [It is unlawful for any person at any time to bomb or to plant or  
2 place] **A person commits the offense of planting a bomb or explosive in or near a bus or**  
3 **terminal if he or she bombs, plants, or places** any bomb or other explosive matter or thing in,  
4 upon, or near any terminal or bus, wherein a person or persons are located or being transported,  
5 or where there is being stored, [or] shipped or prepared for shipment, any goods, wares,  
6 merchandise or anything of value. [Any person who violates the provisions of this subsection  
7 shall be guilty of] **The offense of planting a bomb or explosive in or near a bus or terminal**  
8 **is a class A felony.**

9 2. [It is unlawful for any person to threaten to commit the offense defined in subsection  
10 1 of this section.] Any person [convicted of threatening] **who threatens** to commit the offense  
11 [defined in subsection 1] **of planting a bomb or explosive in or near a bus or terminal** shall  
12 be guilty of a class [C] D felony.

13 3. [It is unlawful to discharge] **Any person who discharges** any firearm or [hurl] **hurls**  
14 any missile at, [or] into [and/or] , **or** upon any bus, terminal, or other transportation facility[.  
15 Any person who violates the provisions of this subsection] shall be guilty of a class B felony.

2 [578.315.] **577.709.** 1. It is unlawful, while on a bus, in the terminal, or on property  
contiguous thereto for any person:

3 (1) To threaten a breach of the peace or use any obscene, profane, or vulgar language;

4 (2) To be under the influence of alcohol [or] , unlawfully under the influence of a  
5 controlled substance [or] , to ingest or have in his possession any controlled substance unless  
6 properly prescribed by a physician or medical facility, or to drink intoxicating liquor of any kind  
7 in or upon any passenger bus except a chartered bus;

8 (3) To fail to obey a reasonable request or order of a bus driver or any duly authorized  
9 company representative.

10 2. If any person shall violate any provision of [subsection 1] **this section**, the driver of  
11 the bus, or person in charge thereof, may stop it at the place where the offense is committed, or  
12 at the next regular or convenient stopping place of the bus and require the person to leave the  
13 bus.

14 3. [Any person violating any provision of subsection 1 is deemed guilty of] **Violation**  
15 **of this section is a class C misdemeanor.**

[578.320.] **577.712.** 1. In order to provide for the safety, comfort, and well-being of  
2 passengers and others having a bona fide business interest in any terminal, a bus transportation  
3 company may refuse admission to terminals to any person not having bona fide business within  
4 the terminal. Any such refusal shall not be inconsistent or contrary to state or federal laws,  
5 regulations pursuant thereto, or to any ordinance of the political subdivision in which such  
6 terminal is located. A duly authorized company representative may ask any person in a terminal  
7 or on the premises of a terminal to identify himself **or herself** and state his **or her** business.  
8 Failure to comply with such request or failure to state an acceptable business purpose shall be  
9 grounds for the company representative to request that such person leave the terminal. Refusal  
10 to comply with such request shall constitute disorderly conduct. Disorderly conduct shall be a  
11 class C misdemeanor.

12 2. It is unlawful for any person to carry a deadly or dangerous weapon or any explosives  
13 or hazardous material into a terminal or aboard a bus. Possession of a deadly or dangerous  
14 weapon, explosive or hazardous material shall be a class [C] **D** felony. Upon the discovery of  
15 any such item or material, the company may obtain possession and retain custody of such item  
16 or material until it is transferred to the custody of law enforcement officers.

[578.325.] **577.715.** A duly authorized security guard may detain within the terminal any  
2 person committing an act declared unlawful by any provision of sections [578.300 to 578.330]  
3 **577.700 to 577.718** and section 307.176 until law enforcement authorities arrive. Such detention  
4 shall not constitute unlawful imprisonment and neither the company nor such company  
5 representative personally shall be civilly or criminally liable upon grounds of unlawful  
6 imprisonment or assault providing that only reasonable force is exercised against any person so  
7 detained.

[578.330.] **577.718.** [1. It is unlawful to remove] **A person commits the offense of removal of baggage or cargo without the owner's permission if he or she removes** any baggage, cargo or other item transported upon a bus or stored in a terminal without the consent of the owner of such property or the company, or its duly authorized representative. [Any person violating the provisions of this subsection shall be guilty of a class D felony.] **The actual value of an item removed is not material to the offense. The offense of removal of baggage or cargo without the owner's permission is a class E felony.**

[2. The actual value of an item removed in violation of subsection 1 shall not be material to the crime herein defined.]

578.009. 1. A person [is guilty] **commits the offense** of animal neglect [when] **if he or she:**

(1) Has custody or ownership [or both] of an animal and fails to provide [adequate] care or adequate control, which results in substantial harm to the animal; **or**

(2) **Knowingly abandons an animal in any place without making provisions for its adequate care.**

2. [A person is guilty of abandonment he has knowingly abandoned an animal in any place without making provisions for its adequate care.

3.] **The offense of animal neglect [and abandonment] is a class C misdemeanor [upon first conviction and for each offense, punishable by imprisonment or a fine not to exceed five hundred dollars, or both, and a class B misdemeanor punishable by imprisonment or a fine not to exceed one thousand dollars, or both upon the second and all subsequent convictions] unless the person has previously been found guilty of an offense under this section, or an offense in another jurisdiction which would constitute an offense under this section, in which case it is a class B misdemeanor.**

3. All fines and penalties for a first [conviction of animal neglect or abandonment] **finding of guilt under this section** may be waived by the court [provided that] **if** the person found guilty of animal neglect [or abandonment] shows that adequate, permanent remedies for the neglect [or abandonment] have been made. Reasonable costs incurred for the care and maintenance of neglected [or abandoned] animals may not be waived. This section shall not apply to the provisions of section 578.007.

4. In addition to any other penalty imposed by this section, the court may order a person found guilty of animal neglect [or abandonment] to pay all reasonable costs and expenses necessary for:

(1) The care and maintenance of neglected [or abandoned] animals within the person's custody or ownership;

(2) The disposal of any dead or diseased animals within the person's custody or ownership;

29 (3) The reduction of resulting organic debris affecting the immediate area of the neglect  
30 [or abandonment]; and

31 (4) The avoidance or minimization of any public health risks created by the neglect [or  
32 abandonment] of the animals.

578.012. 1. A person [is guilty] **commits the offense** of animal abuse [when a person]  
2 **if he or she**:

3 (1) Intentionally or purposely kills an animal in any manner not allowed by or expressly  
4 exempted from the provisions of sections 578.005 to 578.023 and 273.030;

5 (2) Purposely or intentionally causes injury or suffering to an animal; or

6 (3) Having ownership or custody of an animal knowingly fails to provide adequate care  
7 or adequate control.

8 2. Animal abuse is a class A misdemeanor, unless the defendant has previously [plead  
9 guilty to or has] been found guilty of animal abuse or the suffering involved in subdivision (2)  
10 of subsection 1 of this section is the result of torture or mutilation[, or both,] consciously  
11 inflicted while the animal was alive, in which case it is a class [D] E felony.

578.018. 1. Any duly authorized public health official or law enforcement official may  
2 seek a warrant from the appropriate court to enable him **or her** to enter private property in order  
3 to inspect, care for, or impound neglected or abused animals. All requests for such warrants shall  
4 be accompanied by an affidavit stating the probable cause to believe a violation of sections  
5 578.005 to 578.023 has occurred. A person acting under the authority of a warrant shall:

6 (1) Be given a disposition hearing before the court through which the warrant was issued,  
7 within thirty days of the filing of the request for the purpose of granting immediate disposition  
8 of the animals impounded;

9 (2) Place impounded animals in the care or custody of a veterinarian, the appropriate  
10 animal control authority, or an animal shelter. If no appropriate veterinarian, animal control  
11 authority, or animal shelter is available, the animal shall not be impounded unless it is diseased  
12 or disabled beyond recovery for any useful purpose;

13 (3) Humanely kill any animal impounded if it is determined by a licensed veterinarian  
14 that the animal is diseased or disabled beyond recovery for any useful purpose;

15 (4) Not be liable for any necessary damage to property while acting under such warrant.

16 2. The owner or custodian or any person claiming an interest in any animal that has been  
17 impounded because of neglect or abuse may prevent disposition of the animal by posting bond  
18 or security in an amount sufficient to provide for the animal's care and keeping for at least thirty  
19 days, inclusive of the date on which the animal was taken into custody. Notwithstanding the fact  
20 that bond may be posted pursuant to this subsection, the authority having custody of the animal  
21 may humanely dispose of the animal at the end of the time for which expenses are covered by  
22 the bond or security, unless there is a court order prohibiting such disposition. Such order shall  
23 provide for a bond or other security in the amount necessary to protect the authority having



24 custody of the animal from any cost of the care, keeping or disposal of the animal. The authority  
25 taking custody of an animal shall give notice of the provisions of this section by posting a copy  
26 of this section at the place where the animal was taken into custody or by delivering it to a person  
27 residing on the property.

28 3. The owner or custodian of any animal humanely killed pursuant to this section shall  
29 not be entitled to recover any damages related to nor the actual value of the animal if the animal  
30 was found by a licensed veterinarian to be diseased or disabled, or if the owner or custodian  
31 failed to post bond or security for the care, keeping and disposition of the animal after being  
32 notified of impoundment.

578.021. If a person is [adjudicated] **found** guilty of the [crime] **offense** of animal  
2 neglect or animal abuse and the court having jurisdiction is satisfied that an animal owned or  
3 controlled by such person would in the future be subject to such neglect or abuse, such animal  
4 shall not be returned to or allowed to remain with such person, but its disposition shall be  
5 determined by the court.

578.023. 1. [No person may keep] **A person commits the offense of keeping a**  
2 **dangerous wild animal if he or she keeps** any lion, tiger, leopard, ocelot, jaguar, cheetah,  
3 margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, nonhuman primate,  
4 coyote, any deadly, dangerous, or poisonous reptile, or any deadly or dangerous reptile over eight  
5 feet long, in any place other than a properly maintained zoological park, circus, scientific, or  
6 educational institution, research laboratory, veterinary hospital, or animal refuge, unless [such  
7 person] **he or she** has registered such animals with the local law enforcement agency in the  
8 county in which the animal is kept.

9 2. [Any person violating the provisions of this section shall be guilty of] **The offense of**  
10 **keeping a dangerous wild animal is** a class C misdemeanor.

578.024. 1. [If a dog that has] **A person commits the offense of keeping a dangerous**  
2 **dog if he or she owns or possesses a dog that has** previously bitten a person or a domestic  
3 animal without provocation **and that dog** bites any person on a subsequent occasion[, the owner  
4 or possessor is guilty of a class B misdemeanor unless such attack] .

5 **2. The offense of keeping a dangerous dog is a class B misdemeanor, unless such**  
6 **attack:**

7 (1) Results in serious injury to any person, in which case, [the owner or possessor is  
8 guilty of] **it is** a class A misdemeanor; or

9 (2) Results in serious injury to any person and any previous attack also resulted in  
10 serious injury to any person, in which case, [the owner or possessor is guilty of] **it is** a class [D]  
11 **E** felony; or

12 (3) Results in the death of any person, in which case, [the owner or possessor shall be  
13 guilty of] **it is** a class [C] **D** felony.

14 [2.] 3. In addition to the penalty included in subsection [1] 2 of this section, if any dog  
15 that has previously bitten a person or a domestic animal without provocation bites any person  
16 on a subsequent occasion or if a dog that has not previously bitten a person attacks and causes  
17 serious injury to or the death of any human, the dog shall be seized immediately by an animal  
18 control authority or by the county sheriff. The dog shall be impounded and held for ten business  
19 days after the owner or possessor is given written notification and thereafter destroyed.

20 [3.] 4. The owner or possessor of the dog that has been impounded may file a written  
21 appeal to the circuit court to contest the impoundment and destruction of such dog. The owner  
22 or possessor shall provide notice of the filing of the appeal to the animal control authority or  
23 county sheriff who seized the dog. If the owner or possessor files such an appeal and provides  
24 proper notice, the dog shall remain impounded and shall not be destroyed while such appeal is  
25 pending and until the court issues an order for the destruction of the dog. The court shall hold  
26 a disposition hearing within thirty days of the filing of the appeal to determine whether such dog  
27 shall be humanely destroyed. The court may order the owner or possessor of the dog to pay the  
28 costs associated with the animal's keeping and care during the pending appeal.

29 [4.] 5. Notwithstanding any provision of sections 273.033 and 273.036, section 578.022  
30 and this section to the contrary, if a dog attacks or bites a person who is engaged in or attempting  
31 to engage in a criminal activity at the time of the attack, the owner or possessor is not guilty of  
32 any crime specified under this section or section 273.036, and is not civilly liable under this  
33 section or section 273.036, nor shall such dog be destroyed as provided in subsection [2] 3. of  
34 this section, nor shall such person engaged in or attempting to engage in a criminal activity at the  
35 time of the attack be entitled to the defenses set forth in section 273.033. For purposes of this  
36 section "criminal activity" shall not include the act of trespass upon private property under  
37 section 569.150 as long as the trespasser does not otherwise engage in, attempt to engage in, or  
38 have intent to engage in other criminal activity nor shall it include any trespass upon private  
39 property by a person under the age of twelve under section 569.140.

578.025. 1. [Any person who] **A person commits the offense of dogfighting if he or  
2 she:**

3 (1) Owns, possesses, keeps, or trains any dog, with the intent that such dog shall be  
4 engaged in an exhibition of fighting with another dog;

5 (2) For amusement or gain, causes any dog to fight with another dog, or causes any dogs  
6 to injure each other; or

7 (3) Permits any act as described in subdivision (1) or (2) of this subsection to be done  
8 on any premises under his **or her** charge or control, or aids or abets any such act [is guilty of a  
9 class D felony].

10 **2. The offense of dogfighting is a class E felony.**

11 **3. [Any person who] A person commits the offense of spectating dogfighting if he or  
12 she is knowingly present, as a spectator, at any place, building, or structure where preparations**

13 are being made for an exhibition of the fighting of dogs, with the intent to be present at such  
14 preparations, or is knowingly present at such exhibition or at any other fighting or injuring as  
15 described in subdivision (2) of subsection 1 of this section, with the intent to be present at such  
16 exhibition, fighting, or injuring [is guilty of a class A misdemeanor].

17 **4. The offense of spectating dogfighting is a class A misdemeanor.**

18 [3.] **5.** Nothing in this section shall be construed to prohibit:

19 (1) The use of dogs in the management of livestock by the owner of such livestock [or]  
20 , his **or her** employees or agents, or other persons in lawful custody of such livestock; **or**

21 (2) The use of dogs in hunting; or

22 (3) The training of dogs or the use of equipment in the training of dogs for any purpose  
23 not prohibited by law.

578.027. 1. [No person shall tie or attach or fasten] **A person commits the offense of**  
2 **causing a dog to pursue a live animal propelled by a device if he or she ties or attaches or**  
3 **fastens** any live animal to any machine or device propelled by any power for the purpose of  
4 causing such animal to be pursued by a dog or dogs.

5 2. [Any person violating this section is guilty of] **The offense of causing a dog to**  
6 **pursue a live animal propelled by a device is** a class A misdemeanor.

578.028. [Any] 1. A person [who] **commits the offense of unlawful removal of an**  
2 **electronic dog collar or radio transmitting device if he or she** removes an electronic or radio  
3 transmitting collar from a dog without the permission of the owner of the dog with the intent to  
4 prevent or hinder the owner from locating the dog [is guilty of a class A misdemeanor. Upon  
5 a plea or finding of guilt,] .

6 **2. The offense of unlawful removal of an electronic dog collar or radio transmitting**  
7 **device is a class A misdemeanor.** The court shall order [that the defendant] **any person found**  
8 **guilty under this section to** pay as restitution the actual value of any dog lost or killed as a result  
9 of such removal. The court may also order restitution to the owner for any lost breeding  
10 revenues.

578.029. 1. A person commits the [crime] **offense** of knowingly releasing an animal if  
2 [that person] **he or she**, acting without the consent of the owner or custodian of an animal,  
3 intentionally releases any animal that is lawfully confined for the purpose of companionship or  
4 protection of persons or property or for recreation, exhibition or educational purposes.

5 2. As used in this section "animal" means every living creature, domesticated or wild,  
6 but not including Homo sapiens.

7 3. The provisions of this section shall not apply to a public servant acting in the course  
8 of such servant's official duties.

9 **4. The offense of** intentionally releasing an animal is a class B misdemeanor [except that  
10 the second or any subsequent offense] , **unless the defendant has previously been found guilty**  
11 **of a violation under this section, in which case it** is a class [D] E felony.

578.030. 1. The provisions of section 43.200 notwithstanding, any member of the state highway patrol or other law enforcement officer may apply for and serve a search warrant, and shall have the power of search and seizure in order to enforce the provisions of sections 578.025 to 578.050.

2. Any member of the state highway patrol or other law enforcement officer making an arrest under section 578.025 shall lawfully take possession of all dogs or other animals and all paraphernalia, implements, or other property or things used or employed, or about to be employed, in the violation of any of the provisions of section 578.025. Such officer, after taking possession of such dogs, animals, paraphernalia, implements or other property or things, shall file with the court before whom the complaint is made against any person so arrested an affidavit stating therein the name of the person charged in such complaint, a description of the property so taken and the time and place of the taking thereof together with the name of the person from whom the same was taken and the name of the person who claims to own such property, if known, and that the affiant has reason to believe and does believe, stating the ground of such belief, that the property so taken was used or employed, or was about to be used or employed, in such violation of section 578.025. He **or she** shall thereupon deliver the property so taken to the court, which shall, by order in writing, place the same in the custody of an officer or other proper person named and designated in such order, to be kept by him **or her** until the conviction or final discharge of such person complained against, and shall send a copy of such order without delay to the prosecuting attorney of the county. The officer or person so named and designated in such order shall immediately thereupon assume the custody of such property and shall retain the same, subject to the order of the court before which such person so complained against may be required to appear for trial. Upon the conviction of the person so charged, all property so seized shall be adjudged by the court to be forfeited and shall thereupon be destroyed or otherwise disposed of as the court may order. In the event of the acquittal or final discharge without conviction of the person so charged, such court shall, on demand, direct the delivery of such property so held in custody to the owner thereof.

578.050. [Any person who shall keep or use] **1. A person commits the offense of bullbaiting or cockfighting if he or she:**

**(1) Keeps, uses,** or in any way [be] **is** connected with or interested in the management of, or [shall receive] **receives** money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, cock, or other creature, except dogs[, and any person who shall encourage, aid or assist or be present thereat,] ;

**(2) Encourages, aids, assists, or is present at any place kept or used for such purpose;** or [who shall permit or suffer]

**(3) Permits or suffers** any place belonging to him **or her**, or under his **or her** control, to be so kept or used[, shall, on conviction thereof, be guilty of a class A misdemeanor].

**2. The offense of bullbaiting or cockfighting is a class A misdemeanor.**

578.095. 1. [Any person who] **A person commits the offense of desecrating a flag if**  
2 **he or she** purposefully and publicly mutilates, defaces, defiles, tramples upon or otherwise  
3 desecrates the national flag of the United States or the state flag of the state of Missouri [is guilty  
4 of the crime of flag desecration].

5 2. [National flag desecration] **The offense of desecrating a flag** is a class A  
6 misdemeanor.

578.100. 1. [Whoever] **A person commits the offense of selling goods on a Sunday**  
2 **if he or she** engages on Sunday in the business of selling or sells or offers for sale on such day,  
3 at retail, motor vehicles; clothing and wearing apparel; clothing accessories; furniture;  
4 housewares; home, business or office furnishings; household, business or office appliances;  
5 hardware; tools; paints; building and lumber supply materials; jewelry; silverware; watches;  
6 clocks; luggage; musical instruments and recordings or toys; excluding novelties and souvenirs[;  
7 is guilty of a misdemeanor and shall upon conviction for the first offense be sentenced to pay a  
8 fine of not exceeding one hundred dollars, and for the second or any subsequent offense be  
9 sentenced to pay a fine of not exceeding two hundred dollars or undergo confinement not  
10 exceeding thirty days in the county jail in default thereof].

11 2. **The offense of selling goods on a Sunday is a misdemeanor and persons found**  
12 **guilty for the first offense shall be sentenced to pay a fine not exceeding on hundred**  
13 **dollars, and for the second or any subsequent offense be sentenced to pay a fine not**  
14 **exceeding two hundred dollars or undergo confinement not exceeding thirty days in the**  
15 **county jail.**

16 3. Each separate sale or offer to sell shall constitute a separate offense.

17 [3.] 4. Information charging violations of this section shall be brought within five days  
18 after the commission of the alleged offense and not thereafter.

19 [4.] 5. The operation of any place of business where any goods, wares or merchandise  
20 are sold or exposed for sale in violation of this section is hereby declared to be a public and  
21 common nuisance.

22 [5. Any county of this state containing all or part of a city with a population of over four  
23 hundred thousand may exempt itself from the application of this section by submission of the  
24 proposition to the voters of the county at a general election or a special election called for that  
25 purpose, and the proposition receiving a majority of the votes cast therein. The proposal to  
26 exempt the county from the provisions of this section shall be submitted to the voters of the  
27 county upon a majority vote of the governing body of the county or when a petition requesting  
28 the submission of the proposal to the voters and signed by a number of qualified voters residing  
29 in the county equal to eight percent of the votes cast in the county in the next preceding  
30 gubernatorial election is filed with the governing body of the county. The ballot of submission  
31 shall contain, but not be limited to, the following language:

32 ☐ FOR the exemption of ..... County from the Sunday sales law

33           ☐ AGAINST the exemption of ..... County from the Sunday sales law

34

35 If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county  
36 are in favor of the proposal, then the provisions of this section shall no longer apply within that  
37 county. If a majority of the votes cast on the proposal by the qualified voters voting thereon in  
38 the county are opposed to the proposal, then the provisions of this section shall continue to apply  
39 and be enforced within that county. The exemption of any county from the provisions of this  
40 section shall not become effective in that county until the results of the vote exempting the  
41 county have been filed with the secretary of state and with the revisor of statutes and have been  
42 certified as received by those officers. The revisor of statutes shall note which counties are  
43 exempt from the provisions of this section in the Missouri revised statutes.]

44           **6. This section shall not apply to any county in which the voters have elected to be**  
45 **exempted from the provision of this section as of August 28, 2012, nor shall it apply to any**  
46 **county that exempts itself pursuant to this section.** In addition to any other method of  
47 exemption provided by law, the governing body of any county of this state may exempt itself  
48 from the application of this section by order or ordinance of the governing body of the county  
49 after public hearing upon the matter. Such public hearing shall be preceded by public notice  
50 which shall, at a minimum, be published at least three different times in the newspaper with the  
51 greatest circulation in the county. Upon such order or ordinance becoming effective, such county  
52 shall be exempt from the provisions of this section and no election or other method of exemption  
53 shall be required. The exemption of any county from the provisions of this section by order or  
54 ordinance shall not become effective in that county until the order or ordinance has been filed  
55 with the secretary of state and the revisor of statutes and has been certified as received by those  
56 officers. The revisor of statutes shall note which counties are exempt from the provisions of this  
57 section in the Missouri revised statutes.

58           **7. Any other county may exempt itself from the application of this section by a vote**  
59 **of the qualified voters of the county. The county shall submit the proposition to the voters**  
60 **of the county at any election, and the proposition shall receive a majority of the votes cast.**  
61 **The proposition to exempt the county from the provisions of this section shall be submitted**  
62 **to the voters of the county upon a majority vote of the governing body of the county or**  
63 **when a petition requesting the submission of the proposition to the voters and signed by**  
64 **a number of registered voters residing in the county equal to eight percent of the votes cast**  
65 **in the county in the next preceding gubernatorial election is filed with the governing body**  
66 **of the county. The ballot of submission shall contain, but need not be limited to, the**  
67 **following language:**

68

69 To exempt ..... County from the Sunday sales law.

70

☐ YES

☐ NO

71 **If a majority of the votes cast on the proposal by the registered voters voting thereon in the**  
72 **county are in favor of the proposal, then the provisions of this section shall no longer apply**  
73 **within that county. If a majority of the votes cast on the proposal by the registered voters**  
74 **voting thereon in the county are opposed to the proposal, then the provisions of section**  
75 **578.100 shall continue to apply and be enforced within that county. The exemption of the**  
76 **county from the provisions of section 578.100 shall not become effective in that county until**  
77 **the results of the vote exempting the county have been filed with the secretary of state and**  
78 **with the revisor of statutes and have been certified as received by those officers. The**  
79 **revisor of statutes shall note which counties are exempt from the provisions of this section**  
80 **in the Missouri revised statutes.**

81 **8. (1) Notwithstanding any provision in this chapter to the contrary, no dealer,**  
82 **distributor or manufacturer licensed under section 301.559 may keep open, operate, or**  
83 **assist in keeping open or operating any established place of business for the purpose of**  
84 **buying, selling, bartering or exchanging, or offering for sale, barter or exchange, any**  
85 **motor vehicle, whether new or used, on Sunday. However, this section does not apply to**  
86 **the sale of manufactured housing; the sale of recreational motor vehicles; washing, towing,**  
87 **wrecking or repairing operations; the sale of petroleum products, tires, and repair parts**  
88 **and accessories; or new vehicle shows or displays participated in by five or more**  
89 **franchised dealers or in towns or cities with five or fewer dealers, a majority.**

90 **(2) No association consisting of motor vehicle dealers, distributors or**  
91 **manufacturers licensed under section 301.559 shall be in violation of antitrust or restraint**  
92 **of trade statutes under chapter 416 or regulation promulgated thereunder solely because**  
93 **it encourages its members not to open or operate on Sunday a place of business for the**  
94 **purpose of buying, selling, bartering or exchanging any motor vehicle.**

95 **(3) Violation of the provisions of this subsection is a class C misdemeanor.**

578.151. 1. It is the intent of the general assembly of the state of Missouri to recognize  
2 that all persons shall have the right to hunt, fish and trap in this state in accordance with law and  
3 the rules and regulations made by the commission as established in article IV of the Constitution  
4 of Missouri.

5 2. [Any person who] **A person commits the offense of interference with hunting,**  
6 **fishing, or trapping in the first degree if he or she** intentionally interferes with the lawful  
7 taking of wildlife by another [is guilty of the crime of interference with lawful hunting, fishing  
8 or trapping in the first degree].

9 3. It shall be considered a violation of this section to intentionally harass, drive, or  
10 disturb any game animal or fish for the purpose of disrupting lawful hunting, fishing or trapping.

11 4. **The offense of** interference with lawful hunting, fishing or trapping in the first degree  
12 **is a class A misdemeanor.**

578.152. 1. [Any person who] **A person commits the offense of interference with hunting, fishing, or trapping in the second degree if he or she** enters or remains in a hunting, fishing or trapping area where lawful hunting, fishing or trapping may occur with the intent to interfere with the lawful taking of wildlife [is guilty of the crime of interference with lawful hunting, fishing or trapping in the second degree].

2. **The offense of** interference with lawful hunting, fishing, or trapping in the second degree is a class B misdemeanor.

578.153. 1. A peace officer as defined by chapter 590 who reasonably believes that a person has violated section 578.151 or 578.152 may order the person to desist. **The offense of** failure to obey the order of a peace officer to desist from conduct in violation of sections 578.151 and 578.152 [shall be] **is** a class A misdemeanor.

2. Any law enforcement officer shall and any agent of the conservation commission may enforce the provisions of sections 578.151, 578.152 and this section and arrest violators of such sections.

3. The conduct declared unlawful by sections 578.151 and 578.152 shall not include any lawful activity by the landowner or persons in lawful possession of the land.

578.173. [Baiting or fighting animals -- penalty.]

1. [Any person who commits any of the following acts is guilty of a class D felony] **A person commits the offense of baiting or fighting animals if he or she:**

(1) [Baiting or fighting] **Baits or fights** animals;

(2) [Permitting] **Permits** baiting or animal fighting to be done on any premises under his **or her** charge or control;

(3) [Promoting, conducting, or staging] **Promotes, conducts, or stages** a baiting or fight between two or more animals;

(4) [Advertising] **Advertises** a baiting or fight between two or more animals;

(5) [Collecting] **Collects** any admission fee for a baiting or fight between two or more animals[.

2. Any person who commits any of the following acts is guilty of a class A misdemeanor:

(1) ;

(6) Knowingly [attending] **attends** the baiting or fighting of animals;

[(2)] (7) Knowingly [selling, offering for sale, shipping, or transporting] **sells, offers for sale, ships, or transports** any animal which has been bred or trained to bait or fight another animal;

[(3)] Owning or possessing]

(8) **Owns or possesses** any of the cockfighting implements, commonly known as gaffs and slashers, or any other sharp implement designed to be attached to the leg of a gamecock; **or**

[(4)] Manufacturing, selling, bartering or exchanging]



23           **(9) Manufactures, sells, barter, or exchanges** any of the cockfighting implements,  
24 commonly known as gaffs and slashers, or any other sharp implement designed to be attached  
25 to the leg of a gamecock.

26           **2. The offense of baiting or fighting animals is a class E felony.**

578.176. [Bear wrestling -- penalty. Any person who commits any of the following acts  
2 is guilty of a class A misdemeanor]

3           **1. A person commits the offense of bear wrestling if he or she:**

4           (1) **Wrestles** a bear [wrestling];

5           (2) [Permitting] **Permits** bear wrestling to be done on any premises under his **or her**  
6 charge or control;

7           (3) [Promoting, conducting, or staging] **Promotes, conducts, or stages** bear wrestling;

8           (4) [Advertising] **Advertises** bear wrestling;

9           (5) [Collecting] **Collects** any admission fee for bear wrestling;

10           (6) [Purchasing, selling, or possessing] **Purchases, sells, or possesses** a bear which he  
11 **or she** knows will be used for bear wrestling;

12           (7) [Training] **Trains** a bear for bear wrestling;

13           (8) [Subjecting] **Subjects** a bear to surgical alteration for bear wrestling.

14           **2. The offense of bear wrestling is a class A misdemeanor.**

578.350. 1. [Any] **A person licensed under chapter 334 or 335 who treats a person for**  
2 a wound inflicted by gunshot [shall] **commits the infraction of medical deception if he or she**  
3 **knowingly fails to** immediately report to a local law enforcement official the name and address  
4 of the person, if known, and if unknown, a description of the person, together with an  
5 explanation of the nature of the wound and the circumstances under which the treatment was  
6 rendered.

7           2. [Any person licensed under chapter 334 or 335 who knowingly fails to report the  
8 injuries described in this section is guilty of the offense of medical deception.

9           3. Medical deception is an infraction.] **A person licensed under chapter 334 or 335**  
10 **who, in good faith, makes a report under this section shall have immunity from civil**  
11 **liability that otherwise might result from such report and shall have the same immunity**  
12 **with respect to any good faith participation in any judicial proceeding in which the**  
13 **reported gunshot wound is an issue. Notwithstanding the provisions of subdivision (5) of**  
14 **section 491.060, the existence of a physician-patient relationship shall not prevent a**  
15 **physician from submitting the report required in this section, or testifying regarding**  
16 **information acquired from a patient treated for a gunshot wound if such testimony is**  
17 **otherwise admissible.**

578.365. 1. A person commits the [crime] **offense** of hazing if he **or she** knowingly  
2 participates in or causes [hazing, as it is defined in section 578.360.

2. Hazing is a class A misdemeanor, unless the act creates a substantial risk to the life of the student or prospective member, in which case it is a class C felony] :

**(1) A willful act, occurring on or off the campus of a public or private college or university, directed against a student or a prospective member of an organization operating under the sanction of a public or private college or university, that recklessly endangers the mental or physical health or safety of a student or prospective member for the purpose of initiation or admission into or continued membership in any such organization to the extent that such person is knowingly placed at probable risk of the loss of life or probable bodily or psychological harm. Acts of hazing include:**

**(a) Any activity which recklessly endangers the physical health or safety of the student or prospective member, including but not limited to physical brutality, whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or forced smoking or chewing of tobacco products; or**

**(b) Any activity which recklessly endangers the mental health of the student or prospective member, including but not limited to sleep deprivation, physical confinement, or other extreme stress-inducing activity; or**

**(c) Any activity that requires the student or prospective member to perform a duty or task which involves a violation of the criminal laws of this state or any political subdivision in this state.**

**2. Public or private colleges or universities in this state shall adopt a written policy prohibiting hazing by any organization operating under the sanction of the institution.**

3. Nothing in [sections 578.360 to 578.365] **this section** shall be interpreted as creating a new private cause of action against any educational institution.

4. Consent is not a defense to hazing. Section 565.080 does not apply to hazing cases or to homicide cases arising out of hazing activity.

**5. The offense of hazing is a class A misdemeanor, unless the act creates a substantial risk to the life of the student or prospective member, in which case it is a class D felony.**

**578.398. 1. A person commits the offense of sports bribery in the first degree if he or she gives, promises or offers any benefit to any participant or prospective participant in any sport or game with the purpose to influence him or her to lose or try to lose or cause to be lost or to limit the margin of victory in any sport or game in which the participant is taking part, or expects to take part, or has any duty or connection therewith.**

**2. The offense of sports bribery in the first degree is a class D felony.**

**578.399. 1. A person commits the offense of sports bribery in the second degree if he or she, being a participant or prospective participant in any sport or game, accepts, attempts to obtain, or solicits any benefit in exchange for losing or trying to lose or causing**

4 **to be lost or limiting the margin of victory in any sport or game in which the participant**  
5 **is taking part, or expects to take part, or has any duty or connection therewith.**

6 **2. The offense of sports bribery in the second degree is a class A misdemeanor.**

578.405. 1. [Sections 578.405 to 578.412] **This section** shall be known and may be  
2 cited as "The Animal Research and Production Facilities Protection Act".

3 2. As used in [sections 578.405 to 578.412] **this section**, the following terms mean:

4 (1) "Animal", every living creature, domestic or wild, but not including Homo sapiens;

5 (2) "Animal facility", any facility engaging in legal scientific research or agricultural  
6 production or involving the use of animals, including any organization with a primary purpose  
7 of representing livestock production or processing, any organization with a primary purpose of  
8 promoting or marketing livestock or livestock products, any person licensed to practice  
9 veterinary medicine, any organization involved in the production of pet food or pet food  
10 research, and any organization with a primary purpose of representing any such person,  
11 organization, or institution. The term shall include the owner, operator, and employees of any  
12 animal facility and the offices and vehicles of any such persons while engaged in duties related  
13 to the animal facility, and any premises where animals are located[;

14 (3) "Director", the director of the department of agriculture].

15 [578.407. No person shall] **3. A person commits the offense of prohibited acts**  
16 **against animal research and production facilities if he or she:**

17 (1) [Release, steal] **Releases, steals**, or otherwise intentionally [cause] **causes** the death,  
18 injury, or loss of any animal at or from an animal facility and not authorized by that facility;

19 (2) [Damage, vandalize, or steal] **Damages, vandalizes, or steals** any property in or on  
20 an animal facility;

21 (3) [Obtain] **Obtains** access to an animal facility by false pretenses for the purpose of  
22 performing acts not authorized by the facility;

23 (4) [Enter] **Enters** or otherwise [interfere] **interferes** with an animal facility with the  
24 intent to destroy, alter, duplicate or obtain unauthorized possession of records, data, material,  
25 equipment, or animals;

26 (5) Knowingly [obtain] **obtains**, by theft or deception, control over records, data,  
27 material, equipment, or animals of any animal facility for the purpose of depriving the rightful  
28 owner or animal facility of the records, material, data, equipment, or animals, or for the purpose  
29 of concealing, abandoning, or destroying such records, material, data, equipment, or animals; **or**

30 (6) [Enter or remain] **Enters or remains** on an animal facility with the intent to commit  
31 an act prohibited by this section.

32 **4. The offense of prohibited acts against animal research and production facilities**  
33 **is a class A misdemeanor unless:**

34 (1) **The loss or damage to the animal facility is fifty dollars or more, in which case**  
35 **it is a class E felony;**

36           (2) The loss or damage to the animal facility is seven hundred fifty dollars or more,  
37 in which case it is a class D felony;

38           (3) The loss or damage to the animal facility is one thousand dollars or more, in  
39 which case it is a class C felony;

40           (4) The loss or damage to the animal facility is twenty-five thousand dollars or  
41 more, in which case it is a class B felony.

42           5. Any person who intentionally agrees with another person to violate this section  
43 and commits an act in furtherance of such violation shall be guilty of the same class of  
44 violation as provided in subsection 4 of this section.

45           6. In the determination of the value of the loss, theft, or damage to an animal  
46 facility, the court shall conduct a hearing to determine the reasonable cost of replacement  
47 of materials, data, equipment, animals, and records that were damaged, destroyed, lost, or  
48 cannot be returned, as well as the reasonable cost of lost production funds and repeating  
49 experimentation that may have been disrupted or invalidated as a result of the violation  
50 of this section.

51           7. Any persons found guilty of a violation of this section shall be ordered by the  
52 court to make restitution, jointly and severally, to the owner, operator, or both, of the  
53 animal facility, in the full amount of the reasonable cost as determined under subsection  
54 6 of this section.

55           8. Any person who has been damaged by a violation of this section may recover all  
56 actual and consequential damages, punitive damages, and court costs, including reasonable  
57 attorneys' fees, from the person causing such damage.

58           9. Nothing in this section shall preclude any animal facility injured in its business  
59 or property by a violation of this section from seeking appropriate relief under any other  
60 provision of law or remedy including the issuance of an injunction against any person who  
61 violates this section. The owner or operator of the animal facility may petition the court  
62 to permanently enjoin such persons from violating this section and the court shall provide  
63 such relief.

64           10. The director of the department of agriculture may promulgate rules and  
65 regulations necessary for the enforcement of this section. The director shall have the  
66 authority to investigate any alleged violation of this section, along with any other law  
67 enforcement agency, and may take any action within the director's authority necessary for  
68 the enforcement of this section. The attorney general, the highway patrol, and other law  
69 enforcement officials shall provide assistance required in the conduct of an investigation.  
70 Any rule or portion of a rule, as that term is defined in section 536.010 that is created  
71 under the authority delegated in this section shall become effective only if it complies with  
72 and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028.  
73 This section and chapter 536 are nonseverable and if any of the powers vested with the

74 **general assembly pursuant to chapter 536, to review, to delay the effective date, or to**  
75 **disapprove and annul a rule are subsequently held unconstitutional, then the grant of**  
76 **rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be**  
77 **invalid and void.**

578.421. As used in sections 578.421 to 578.437, the following terms mean:

- 2 (1) "Criminal street gang", any ongoing organization, association, or group of three or  
3 more persons, whether formal or informal, having as one of its primary activities the commission  
4 of one or more of the criminal acts enumerated in subdivision (2) of this section, which has a  
5 common name or common identifying sign or symbol, whose members individually or  
6 collectively engage in or have engaged in a pattern of criminal gang activity;
- 7 (2) "Pattern of criminal street gang activity", the commission, attempted commission,  
8 or solicitation of two or more of the following offenses, provided at least one of those offenses  
9 occurred after August 28, 1993, and the last of those offenses occurred within three years after  
10 a prior offense, and the offenses are committed on separate occasions, or by two or more persons:
  - 11 (a) Assault with a deadly weapon or by means of force likely to cause serious physical  
12 injury, as provided in sections 565.050 and [565.060] **565.052**;
  - 13 (b) Robbery, arson and those offenses under chapter 569 which are related to robbery  
14 and arson;
  - 15 (c) Murder or manslaughter, as provided in sections 565.020 to 565.024;
  - 16 (d) Any violation of the provisions of chapter [195] **579** which involves the distribution,  
17 delivery or manufacture of a substance prohibited by chapter [195] **579**;
  - 18 (e) [Unlawful use of a weapon which is a felony pursuant to section 571.030] **Any**  
19 **felony offense of sections 571.031 to 571.044; or**
  - 20 (f) Tampering with witnesses and victims, as provided in section 575.270.

578.425. Any person who is convicted of a felony or a misdemeanor which is committed  
2 for the benefit of, at the direction of, or in association with, any criminal street gang, with the  
3 specific intent to promote, further, or assist in any criminal conduct by gang members, shall be  
4 punished in the following manner:

- 5 (1) Any person who violates this section in the commission of a misdemeanor shall be  
6 punished by imprisonment in the county jail not to exceed one year, or by imprisonment in a  
7 state correctional facility for one, two, or three years;
- 8 (2) Any person who violates this section in the commission of a felony shall, upon  
9 conviction of that felony, in addition and consecutive to the punishment prescribed for the felony  
10 of which he **or she** has been convicted, be punished by an additional term of one, two, or three  
11 years at the court's discretion. If the underlying felony is committed on the grounds of, or within  
12 one thousand feet of a public or private elementary, vocational, junior high or high school, the  
13 additional term shall be two, three, or four years, at the court's discretion. The court shall order  
14 the imposition of the middle term of the sentence enhancement, unless there are circumstances

15 in aggravation or mitigation. The court shall state the reasons for its choice of sentence  
16 enhancements on the record at the time of sentencing;

17 (3) Any person who violates this section in the commission of a felony punishable by  
18 death or imprisonment for life shall not be paroled until a minimum of fifteen calendar years  
19 have been served in the custody of the department of corrections.

578.430. 1. Any room, building, structure or inhabitable structure as defined in section  
2 [569.010] **556.061** which is used by a criminal street gang in a pattern of criminal street gang  
3 activity shall be deemed a public nuisance. No person shall keep or maintain such a public  
4 nuisance.

5 2. The attorney general, circuit attorney or prosecuting attorney may, in addition to any  
6 criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance. If the court finds  
7 that the owner of the room, building, structure or inhabitable structure knew that the premises  
8 were being used for criminal street gangs in a pattern of criminal street gang activity, the court  
9 may order that the premises shall not be occupied or used for such period as the court may  
10 determine, not to exceed one year.

11 3. All persons, including owners, lessees, officers, agents, offenders or employees, aiding  
12 or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance.

13 **4. It is unlawful for a person to keep or maintain such a public nuisance. In**  
14 **addition to any other criminal prosecutions, the prosecuting attorney or circuit attorney**  
15 **may by information or indictment charge the owner or the occupant, or both the owner**  
16 **and the occupant, of the room, building, structure, or inhabitable structure with the crime**  
17 **of keeping or maintaining a public nuisance. Keeping or maintaining a public nuisance**  
18 **is a class D felony.**

578.437. No weapon shall be declared a nuisance pursuant to section 578.435 and this  
2 section unless reasonable notice has been given to the lawful owner thereof, if his **or her** identity  
3 and address can be reasonably ascertained. The law enforcement agency shall inform the lawful  
4 owner at that person's last known address by registered mail that the owner of the weapon has  
5 thirty days from the date of receipt of the notice to respond to the clerk of the court to confirm  
6 his **or her** desire for a hearing, and that the failure to respond shall result in a default order and  
7 thereupon such weapon shall be declared a nuisance. If the person requests a hearing the court  
8 shall set a hearing no later than sixty days from the receipt of such request, and shall notify the  
9 person, the law enforcement agency involved, and the prosecuting attorney of the date, time, and  
10 place of the hearing. At such hearing the burden of proof shall be upon the state to show by a  
11 preponderance of the evidence that the seized item has been or will be used in criminal street  
12 gang activity, or that the return of the weapon would likely result in the endangering of the lives  
13 of others.

[566.221.] **578.475.** 1. An international marriage broker shall provide notice to each  
2 recruit that the criminal history record information and marital history information of clients and

3 basic rights information are available from the organization. The notice of the availability of  
4 such information must be in a conspicuous location, in the recruit's native language, in lettering  
5 that is at least one-quarter of an inch in height, and presented in a manner that separates the  
6 different types of information available.

7         2. An international marriage broker shall disseminate to a recruit the criminal history  
8 record information and marital history information of a client and basic rights information no  
9 later than thirty days after the date the international marriage broker receives the criminal history  
10 record information and the marital history information on the client. Such information must be  
11 provided in the recruit's native language and the organization shall pay the costs incurred to  
12 translate the information.

13         3. A client of an international marriage broker shall:

14             (1) Obtain a copy of his or her own criminal history record information;

15             (2) Provide the criminal history record information to the international marriage broker;  
16 and

17             (3) Provide to the international marriage broker his or her own marital history  
18 information.

19         4. An international marriage broker shall require the client to affirm that the marital  
20 history information is complete and accurate and includes information regarding marriages,  
21 annulments, and dissolutions that occurred in another state or foreign country.

22         5. An international marriage broker shall not provide any further services to the client  
23 or the recruit until the organization has obtained the required criminal history record information  
24 and marital history information and provided the information to the recruit.

25         6. An international marriage broker shall be deemed to be doing business in Missouri  
26 if it contracts for matchmaking services with a Missouri resident or is considered to be doing  
27 business pursuant to other laws of the state.

28         7. A person who [pleads guilty to or] is found guilty of violating the provisions of this  
29 section shall not be required to register as a sexual offender pursuant to the provisions of section  
30 589.400, unless such person is otherwise required to register pursuant to the provisions of such  
31 section.

32         8. It shall be a class [D] E felony to willfully provide incomplete or false information  
33 pursuant to this section.

34         9. Failure to provide the information and notice required pursuant to this section shall  
35 be a class [D] E felony.

36         10. No provision of this section shall preempt any other right or remedy available under  
37 law to any party utilizing the services of an international marriage broker or other international  
38 marriage organization.

578.520. 1. [No person shall fish, hunt, or trap] **A person commits the offense of**  
2 **unlawful fishing, hunting, or trapping on private land if he or she fishes, hunts, or traps**

3 upon or [retrieve] **retrieves** wildlife from any private land that is not owned or in the possession  
4 of such person without permission from the owner or lessee of such land.

5 2. [Any person who violates the provisions of this section is guilty of a class B  
6 misdemeanor.

7 3.] Any person who knowingly enters or remains on private property for the purpose of  
8 hunting, fishing, trapping, or retrieving wildlife in violation of subsection 1 of this section may,  
9 in addition to the penalty in subsection [2] 4 of this section, be required by the court to surrender  
10 and deliver any license or permit issued by the department of conservation to hunt, fish, or trap.  
11 The court shall notify the conservation commission of any conviction under this section and  
12 request the commission take necessary action to revoke all privileges to hunt, fish, or trap for at  
13 least one year from the date of conviction.

14 **3. It shall be an affirmative defense to prosecution for a violation of this section that**  
15 **the premises were at the time open to members of the public and the person complied with**  
16 **all lawful conditions imposed concerning access to or the privilege of remaining on the**  
17 **premises.**

18 **4. The offense of unlawful fishing, hunting, or trapping on private land is a class**  
19 **B misdemeanor.**

578.525. 1. [No person shall] **A person commits the offense of unlawful retrieval of**  
2 **large or small game if he or she**, while engaged in the retrieval of wildlife from private land  
3 that is not owned or in the possession of such person with permission of the landowner or lessee  
4 of the land:

5 (1) Intentionally [drive or flush] **drives or flushes** any large or small game located on  
6 the land toward other hunters of the retriever's same hunting group located on other parcels of  
7 land or right-of-ways; or

8 (2) Intentionally [discharge] **discharges** a firearm at large or small game that originates  
9 from the private land during retrieval.

10 2. [Unlawful retrieval of large or small game is a class B misdemeanor.] **It shall be an**  
11 **affirmative defense to prosecution for a violation of this section that the premises were at**  
12 **the time open to members of the public and the person complied with all lawful conditions**  
13 **imposed concerning access to or the privilege of remaining on the premises.**

14 **3. The offense of unlawful retrieval of large or small game is a class B**  
15 **misdemeanor.**

578.614. 1. Subject to subsection 2 of this section, any person who violates sections  
2 578.600 to 578.624 is guilty of a class A misdemeanor. Any person who fails to obtain a permit  
3 as required by sections 578.600 to 578.624 is guilty of a class A misdemeanor. Any person who  
4 intentionally releases a large carnivore except to the care, custody, and control of another person  
5 is guilty of a class [D] **E** felony. In addition, a person who violates sections 578.600 to 578.624  
6 may be punished by one or more of the following:



7 (1) Community service work for not more than five hundred hours;

8 (2) The loss of privileges to own or possess any animal.

9 2. Subsection 1 of this section does not apply to a law enforcement officer, animal  
10 control officer, qualified veterinarian, or department of agriculture employee with respect to the  
11 performance of the duties of a law enforcement officer, animal control officer, qualified  
12 veterinarian, or department of agriculture employee under sections 578.600 to 578.624.

[195.202.] **579.015.** 1. [Except as authorized by sections 195.005 to 195.425, it is  
2 unlawful for any person to possess or have under his control a controlled substance] **A person  
3 commits the offense of possession of a controlled substance if he or she knowingly possesses  
4 a controlled substance, except as authorized by this chapter or chapter 195.**

5 2. [Any person who violates this section with respect to] **The offense of possession of**  
6 any controlled substance except thirty-five grams or less of marijuana or any synthetic  
7 cannabinoid is [guilty of a class C] **a class E felony.**

8 3. [Any person who violates this section with respect to] **The offense of possession of**  
9 not more than thirty-five grams of marijuana or any synthetic cannabinoid is [guilty of] a class  
10 [A] **D misdemeanor, unless the defendant has previously been found guilty of any offense  
11 of the laws related to controlled substances of this state, or of the United States, or any  
12 state, territory, or district, in which case, it shall be a class A misdemeanor. Prior findings  
13 of guilt shall be pleaded and proven in the same manner as required by section 558.021.**

14 4. **It shall be an affirmative defense to possession or control of a controlled  
15 substance if the defendant obtained the controlled substance directly from or pursuant to  
16 a valid prescription or practitioner's order issued in the course of a practitioner's  
17 professional practice or as otherwise authorized by this chapter or chapter 195.**

18 5. **In any complaint, information, or indictment, and in any action or proceeding  
19 brought for the enforcement of any provision of this chapter, it shall not be necessary to  
20 include any exception, excuse, proviso, or exemption contained in this chapter, and the  
21 burden of proof of any such exception, excuse, proviso or exemption shall be upon the  
22 defendant.**

[195.212.] **579.020.** 1. A person commits the offense of [unlawful distribution of a  
2 controlled substance to a minor if he violates section 195.211 by distributing or delivering any  
3 controlled substance to a person under seventeen years of age who is at least two years that  
4 person's junior.

5 2. Unlawful distribution of a controlled substance to a minor is a class B felony.

6 3. It is not a defense to a violation of this section that the defendant did not know the age  
7 of the person to whom he was distributing or delivering.] **delivery of a controlled substance  
8 if, except as authorized in this chapter, he or she:**

9 (1) **Knowingly distributes or delivers a controlled substance; or**

10 (2) **Attempts to distribute or deliver a controlled substance; or**

11           **(3) Knowingly possesses a controlled substance with the intent to distribute or**  
12 **deliver any amount of a controlled substance; or**

13           **(4) Knowingly permits a minor child to purchase or transport illegally obtained**  
14 **controlled substances.**

15           **2. The offense of delivery of a controlled substance, except when the controlled**  
16 **substance is thirty-five grams or less of marijuana or synthetic cannabinoid, is a class C**  
17 **felony.**

18           **3. The offense of delivery of thirty-five grams or less of marijuana or synthetic**  
19 **cannabinoid is a class E felony.**

20           **4. The offense of delivery of a controlled substance is a class B felony if:**

21           **(1) The delivery or distribution is any amount of a controlled substance except**  
22 **thirty-five grams or less of marijuana or synthetic cannabinoid, to a person less than**  
23 **seventeen years of age who is at least two years younger than the defendant; or**

24           **(2) The person knowingly permits a minor child to purchase or transport illegally**  
25 **obtained controlled substances.**

26           **5. The offense of delivery of thirty-five grams or less of marijuana or thirty-five**  
27 **grams or less of synthetic cannabinoid to a person less than seventeen years of age who is**  
28 **at least two years younger than the defendant is a class C felony.**

          [195.218.] **579.030.** 1. A person commits the offense of distribution of a controlled  
2 substance [near public housing or other governmental assisted housing if he violates section  
3 195.211 by unlawfully distributing or delivering any controlled substance to a person in or on,  
4 or within one thousand feet of the real property comprising public housing or other governmental  
5 assisted housing.

6           2. Distribution of a controlled substance near public housing or other governmental  
7 assisted housing is a class A felony which term shall be served without probation or parole if the  
8 court finds the defendant is a persistent drug offender] **in a restricted location if he or she**  
9 **knowingly distributes, sells, or delivers any controlled substance, except thirty-five grams**  
10 **or less of marijuana or synthetic cannabinoid, to a person with knowledge that that**  
11 **distribution, delivery or sale is:**

12           **(1) In, on, or within one thousand feet of, the real property comprising a public or**  
13 **private elementary or secondary school, public vocational school, or on any school bus; or**

14           **(2) In or on, or within one thousand feet of, the real property comprising a public**  
15 **park, state park, county park, municipal park, or private park designed for public**  
16 **recreational purposes, as park is defined in section 253.010; or**

17           **(3) In or on the real property comprising public housing or other governmental**  
18 **assisted housing.**

19           **2. The offense of unlawful distribution of a controlled substance in a restricted**  
20 **location is a class A felony.**

**579.040. 1. A person commits the offense of unlawful distribution, delivery, or sale of drug paraphernalia if he or she unlawfully distributes, delivers, or sells, or possesses with intent to distribute, deliver, or sell drug paraphernalia knowing, or under circumstances in which one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this chapter.**

**2. The offense of unlawful delivery of drug paraphernalia is a class A misdemeanor, unless done for commercial purposes in which case it is a class E felony.**

[195.204.] **579.045. 1.** A person commits the offense of fraudulently attempting to obtain a controlled substance if he **or she knowingly** obtains or attempts to obtain a controlled substance, or **knowingly** procures or attempts to procure [the] **an** administration of the controlled substance by fraud[, deceit, misrepresentation, or subterfuge; or by the forgery or alteration of a prescription or of any written order; or by the concealment of a material fact; or by the use of a false name or the giving of a false address]. The [crime] **offense** of fraudulently attempting to obtain a controlled substance shall include, but shall not be limited to nor be limited by, the following:

(1) Knowingly making a false statement in any prescription, order, report, or record, required by [sections 195.005 to 195.425] **this chapter**;

(2) For the purpose of obtaining a controlled substance, falsely assuming the title of, or representing oneself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, podiatrist, veterinarian, **nurse**, or other authorized person;

(3) Making or uttering any false or forged prescription or false or forged written order;

(4) Affixing any false or forged label to a package or receptacle containing controlled substances;

(5) Possess a false or forged prescription with intent to obtain a controlled substance.

**2. The offense of fraudulently attempting to obtain a controlled substance is a class [D] E felony.**

**3.** Information communicated to a physician in an effort unlawfully to procure a controlled substance or unlawfully to procure the administration of any such drug [shall not be] **is not** deemed a privileged communication; provided, however, that no physician or surgeon shall be competent to testify concerning any information which he **or she** may have acquired from any patient while attending him **or her** in a professional character and which information was necessary to enable him **or her** to prescribe for such patient as a physician, or to perform any act for him **or her** as a surgeon.

27           [4. The provisions of this section shall apply to all transactions relating to narcotic drugs  
28 under the provisions of section 195.080, in the same way as they apply to transactions under all  
29 other sections.]

**579.050. 1. A person commits the offense of manufacture of an imitation controlled  
2 substance if he or she knowingly manufactures with intent to deliver any imitation  
3 controlled substances.**

**2. The offense of manufacture of an imitation controlled substance is a class E  
5 felony.**

          [195.211.] **579.055. 1. [Except as authorized by sections 195.005 to 195.425 and except  
2 as provided in section 195.222, it is unlawful for any person to distribute, deliver, manufacture,  
3 produce or attempt to distribute, deliver, manufacture or produce a controlled substance or to  
4 possess with intent to distribute, deliver, manufacture, or produce a controlled substance] A  
5 person commits the offense of manufacture of a controlled substance if, except as  
6 authorized in this chapter, he or she:**

**(1) Knowingly manufactures, produces, or grows a controlled substance; or**

**(2) Attempts to manufacture, produce, or grow a controlled substance; or**

**(3) Knowingly possesses a controlled substance with the intent to manufacture,  
10 produce, or grow any amount of controlled substance.**

**2. [Any person who violates or attempts to violate this section with respect to  
12 manufacturing or production of a controlled substance of any amount except for five grams or  
13 less of marijuana in a residence where a child resides or] The offense of manufacturing or  
14 attempting to manufacture any amount of controlled substance is a class B felony when  
15 committed within [two] one thousand feet of the real property comprising a public or private  
16 elementary or public or private elementary or secondary school, public vocational school or a  
17 public or private community college, or a college or university[, or any school bus is guilty of].  
18 It is a class A felony if a person has suffered serious physical injury or has died as a result  
19 of a fire or explosion started in an attempt by the defendant to produce methamphetamine.**

**3. [Any person who violates or attempts to violate this section with respect to any] The  
21 offense of manufacturing or attempting to manufacture any amount of a controlled  
22 substance, except [five] thirty-five grams or less of marijuana or synthetic cannabinoid is  
23 [guilty of] a class [B] C felony.**

**4. [Any person who violates this section with respect to distributing or delivering not  
25 more than five grams of marijuana is guilty of a class C felony] The offense of manufacturing  
26 thirty-five grams or less of marijuana or synthetic cannabinoid is a class E felony.**

**579.060. 1. A person commits the offense of unlawful sale or distribution of over-  
2 the-counter methamphetamine precursor drugs if he or she:**

**(1) Recklessly sells, distributes, dispenses, or otherwise provides any number of  
4 packages of any drug product containing detectable amounts of ephedrine,**

5   phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts  
6   of optical isomers, in a total amount greater than nine grams to the same individual within  
7   a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid  
8   prescription; or

9       (2) Recklessly dispenses or offers drug products that are not excluded from  
10   Schedule V in subsection 17 or 18 of section 195.017 and that contain detectable amounts  
11   of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical  
12   isomers, or salts of optical isomers, without ensuring that such products are located behind  
13   a pharmacy counter where the public is not permitted and that such products are  
14   dispensed by a registered pharmacist or pharmacy technician pursuant to subsection 11  
15   of section 195.017; or

16       (3) Holds a retail sales license issued under chapter 144 and knowingly sells or  
17   dispenses packages that do not conform to the packaging requirements of section 195.418.

18       2. A pharmacist, intern pharmacist, or registered pharmacy technician commits the  
19   offense of unlawful sale or distribution of over-the-counter methamphetamine precursor  
20   drugs if he or she:

21       (1) Recklessly sells, distributes, dispenses, or otherwise provides any number of  
22   packages of any drug product containing detectable amounts of ephedrine,  
23   phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts  
24   of optical isomers, in a total amount greater than three and six-tenth grams to the same  
25   individual within a twenty-four hour period, unless the amount is dispensed, sold, or  
26   distributed pursuant to a valid prescription; or

27       (2) Recklessly fails to submit information pursuant to subsection 13 of section  
28   195.017 and subsection 5 of section 195.417 about the sales of any compound, mixture, or  
29   preparation of products containing detectable amounts of ephedrine,  
30   phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts  
31   of optical isomers, in accordance with transmission methods and frequency established by  
32   the department of health and senior services; or

33       (3) Recklessly fails to implement and maintain an electronic log, as required by  
34   subsection 12 of section 195.017, of each transaction involving any detectable quantity of  
35   pseudoephedrine, its salts, isomers, or salts of optical isomers or ephedrine, its salts, optical  
36   isomers, or salts of optical isomers; or

37       (4) Knowingly sells, distributes, dispenses or otherwise provides to an individual  
38   under eighteen years of age without a valid prescription any number of packages of any  
39   drug product containing any detectable quantity of pseudoephedrine, its salts, isomers, or  
40   salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

41       3. Any person who violates the packaging requirements of section 195.418 and is  
42   considered the general owner or operator of the outlet where ephedrine, pseudoephedrine,

43 or phenylpropanolamine products are available for sale shall not be penalized if he or she  
44 documents that an employee training program was in place to provide the employee who  
45 made the unlawful retail sale with information on the state and federal regulations  
46 regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

47 **4. The offense of unlawful sale or distribution of over-the-counter**  
48 **methamphetamine precursor drugs is a class A misdemeanor.**

[195.222.] **579.065.** 1. A person commits the [crime] **offense** of trafficking drugs in the  
2 first degree if, except as authorized by [sections 195.005 to 195.425] **this chapter**, he or she  
3 **knowingly** distributes, delivers, manufactures, produces or attempts to distribute, deliver,  
4 manufacture or produce [more than thirty grams of a mixture or substance containing a  
5 detectable amount of heroin. Violations of this subsection shall be punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
7 person shall be sentenced to the authorized term of imprisonment for a class A felony;

8 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the  
9 authorized term of imprisonment for a class A felony which term shall be served without  
10 probation or parole.

11 2. A person commits the crime of trafficking drugs in the first degree if, except as  
12 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
13 attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a  
14 mixture or substance containing a detectable amount of coca leaves, except coca leaves and  
15 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts  
16 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;  
17 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,  
18 or preparation which contains any quantity of any of the foregoing substances. Violations of this  
19 subsection shall be punished as follows:

20 (1) If the quantity involved is more than one hundred fifty grams but less than four  
21 hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a  
22 class A felony;

23 (2) If the quantity involved is four hundred fifty grams or more the person shall be  
24 sentenced to the authorized term of imprisonment for a class A felony which term shall be served  
25 without probation or parole.

26 3. A person commits the crime of trafficking drugs in the first degree if, except as  
27 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
28 attempts to distribute, deliver, manufacture or produce more than two grams of a mixture or  
29 substance described in subsection 2 of this section which contains cocaine base. Violations of  
30 this subsection shall be punished as follows:

31 (1) If the quantity involved is more than two grams but less than six grams the person  
32 shall be sentenced to the authorized term of imprisonment for a class A felony;

33           (2) If the quantity involved is six grams or more the person shall be sentenced to the  
34 authorized term of imprisonment for a class A felony which term shall be served without  
35 probation or parole.

36           4. A person commits the crime of trafficking drugs in the first degree if, except as  
37 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
38 attempts to distribute, deliver, manufacture or produce more than five hundred milligrams of a  
39 mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).  
40 Violations of this subsection shall be punished as follows:

41           (1) If the quantity involved is more than five hundred milligrams but less than one gram  
42 the person shall be sentenced to the authorized term of imprisonment for a class A felony;

43           (2) If the quantity involved is one gram or more the person shall be sentenced to the  
44 authorized term of imprisonment for a class A felony which term shall be served without  
45 probation or parole.

46           5. A person commits the crime of trafficking drugs in the first degree if, except as  
47 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
48 attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or  
49 substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection  
50 shall be punished as follows:

51           (1) If the quantity involved is more than thirty grams but less than ninety grams the  
52 person shall be sentenced to the authorized term of imprisonment for a class A felony;

53           (2) If the quantity involved is ninety grams or more the person shall be sentenced to the  
54 authorized term of imprisonment for a class A felony which term shall be served without  
55 probation or parole.

56           6. A person commits the crime of trafficking drugs in the first degree if, except as  
57 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
58 attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine.  
59 Violations of this subsection shall be punished as follows:

60           (1) If the quantity involved is more than four grams but less than twelve grams the  
61 person shall be sentenced to the authorized term of imprisonment for a class A felony;

62           (2) If the quantity involved is twelve grams or more the person shall be sentenced to the  
63 authorized term of imprisonment for a class A felony which term shall be served without  
64 probation or parole.

65           7. A person commits the crime of trafficking drugs in the first degree if, except as  
66 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
67 attempts to distribute, deliver, manufacture or produce more than thirty kilograms of a mixture  
68 or substance containing marijuana. Violations of this subsection shall be punished as follows:

69 (1) If the quantity involved is more than thirty kilograms but less than one hundred  
70 kilograms the person shall be sentenced to the authorized term of imprisonment for a class A  
71 felony;

72 (2) If the quantity involved is one hundred kilograms or more the person shall be  
73 sentenced to the authorized term of imprisonment for a class A felony which term shall be served  
74 without probation or parole.

75 8. A person commits the crime of trafficking drugs in the first degree if, except as  
76 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
77 attempts to distribute, deliver, manufacture or produce more than thirty grams of any material,  
78 compound, mixture or preparation which contains any quantity of the following substances  
79 having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers  
80 and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its  
81 optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection  
82 or attempts to violate this subsection shall be punished as follows:

83 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
84 person shall be sentenced to the authorized term of imprisonment for a class A felony;

85 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty  
86 grams or more and the location of the offense was within two thousand feet of a school or public  
87 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any  
88 structure or building which contains rooms furnished for the accommodation or lodging of  
89 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping  
90 accommodations are sought for pay or compensation to transient guests or permanent guests, the  
91 person shall be sentenced to the authorized term of imprisonment for a class A felony which term  
92 shall be served without probation or parole.

93 9. A person commits the crime of trafficking drugs in the first degree if, except as  
94 authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures,  
95 produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any  
96 material, compound, mixture or preparation which contains any quantity of  
97 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this  
98 subsection shall be punished as follows:

99 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
100 person shall be sentenced to the authorized term of imprisonment for a class A felony;

101 (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty  
102 grams or more and the location of the offense was within two thousand feet of a school or public  
103 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any  
104 structure or building which contains rooms furnished for the accommodation or lodging of  
105 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping  
106 accommodations are sought for pay or compensation to transient guests or permanent guests, the



107 person shall be sentenced to the authorized term of imprisonment for a class A felony which term  
108 shall be served without probation or parole.] :

109       **(1) More than thirty grams but less than ninety grams of a mixture or substance**  
110 **containing a detectable amount of heroin;**

111       **(2) More than one hundred fifty grams but less than four hundred fifty grams of**  
112 **a mixture or substance containing a detectable amount of coca leaves, except coca leaves**  
113 **and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or**  
114 **their salts have been removed; cocaine salts and their optical and geometric isomers, and**  
115 **salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any**  
116 **compound, mixture, or preparation which contains any quantity of any of the foregoing**  
117 **substances;**

118       **(3) More than eight grams but less than twenty-four grams of a mixture or**  
119 **substance described in subdivision (2) of this subsection which contains cocaine base;**

120       **(4) More than five hundred milligrams but less than one gram of a mixture or**  
121 **substance containing a detectable amount of lysergic acid diethylamide (LSD);**

122       **(5) More than thirty grams but less than ninety grams of a mixture or substance**  
123 **containing a detectable amount of phencyclidine (PCP);**

124       **(6) More than four grams but less than twelve grams of phencyclidine;**

125       **(7) More than thirty kilograms but less than one hundred kilograms of a mixture**  
126 **or substance containing marijuana;**

127       **(8) More than thirty grams but less than ninety grams of any material, compound,**  
128 **mixture, or preparation containing any quantity of the following substances having a**  
129 **stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and**  
130 **salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its**  
131 **optical isomers; phenmetrazine and its salts; or methylphenidate; or**

132       **(9) More than thirty grams but less than ninety grams of any material, compound,**  
133 **mixture, or preparation which contains any quantity of 3,4-**  
134 **methylenedioxymethamphetamine.**

135       **2. The offense of trafficking drugs in the first degree is a class B felony.**

136       **3. The offense of trafficking drugs in the first degree is a class A felony if the**  
137 **quantity involved is:**

138       **(1) Ninety grams or more of a mixture or substance containing a detectable amount**  
139 **of heroin; or**

140       **(2) Four hundred fifty grams or more of a mixture or substance containing a**  
141 **detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which**  
142 **cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine**  
143 **salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives,**

144 their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which  
145 contains any quantity of any of the foregoing substances; or

146 (3) More than twenty-four grams of a mixture or substance described in  
147 subdivision (2) of this subsection which contains cocaine base; or

148 (4) One gram or more of a mixture or substance containing a detectable amount  
149 of lysergic acid diethylamide (LSD); or

150 (5) Ninety grams or more of a mixture or substance containing a detectable amount  
151 of phencyclidine (PCP); or

152 (6) Twelve grams or more of phencyclidine; or

153 (7) One hundred kilograms or more of a mixture or substance containing  
154 marijuana; or

155 (8) Ninety grams or more of any material, compound, mixture, or preparation  
156 containing any quantity of the following substances having a stimulant effect on the central  
157 nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers;  
158 methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine  
159 and its salts; or methylphenidate; or

160 (9) More than thirty grams of any material, compound, mixture, or preparation  
161 containing any quantity of the following substances having a stimulant effect on the central  
162 nervous system: amphetamine, its salts, optical isomers, and salts of its optical isomers;  
163 methamphetamine, its salts, optical isomers, and salts of its optical isomers; phenmetrazine  
164 and its salts; or methylphenidate, and the location of the offense was within one thousand  
165 feet of a school, in or on the real property comprising public housing or any other  
166 governmental assisted housing, or within a motor vehicle, or in any structure or building  
167 which contains rooms furnished for the accommodation or lodging of guests, and kept,  
168 used, maintained, advertised, or held out to the public as a place where sleeping  
169 accommodations are sought for pay or compensation to transient guests or permanent  
170 guests; or

171 (10) Ninety grams or more of any material, compound, mixture or preparation  
172 which contains any quantity of 3,4-methylenedioxymethamphetamine; or

173 (11) More than thirty grams of any material, compound, mixture, or preparation  
174 which contains any quantity of 3,4-methylenedioxymethamphetamine and the location of  
175 the offense was within one thousand feet of a school, in or on the real property comprising  
176 public housing or any other governmental assisted housing, within a motor vehicle, or in  
177 any structure or building which contains rooms furnished for the accommodation or  
178 lodging of guests, and kept, used, maintained, advertised, or held out to the public as a  
179 place where sleeping accommodations are sought for pay or compensation to transient  
180 guests or permanent guests.

[195.223.] **579.068.** 1. A person commits the [crime] **offense** of trafficking drugs in the second degree if, except as authorized by [sections 195.005 to 195.425] **this chapter**, he **or she** **knowingly** possesses or has under his **or her** control, purchases or attempts to purchase, or brings into this state [more than thirty grams of a mixture or substance containing a detectable amount of heroin. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than thirty grams but less than ninety grams the person shall be guilty of a class B felony;

(2) If the quantity involved is ninety grams or more the person shall be guilty of a class A felony.

2. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than one hundred fifty grams of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than one hundred fifty grams but less than four hundred fifty grams the person shall be guilty of a class B felony;

(2) If the quantity involved is four hundred fifty grams or more the person shall be guilty of a class A felony.

3. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than two grams of a mixture or substance described in subsection 2 of this section which contains cocaine base. Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than two grams but less than six grams the person shall be guilty of a class B felony;

(2) If the quantity involved is six grams or more the person shall be guilty of a class A felony.

4. A person commits the crime of trafficking drugs in the second degree if, except as authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or attempts to purchase, or brings into this state more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this subsection shall be punished as follows:

(1) If the quantity involved is more than five hundred milligrams but less than one gram the person shall be guilty of a class B felony;

39           (2) If the quantity involved is one gram or more the person shall be guilty of a class A  
40 felony.

41           5. A person commits the crime of trafficking drugs in the second degree if, except as  
42 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
43 attempts to purchase, or brings into this state more than thirty grams of a mixture or substance  
44 containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be  
45 punished as follows:

46           (1) If the quantity involved is more than thirty grams but less than ninety grams the  
47 person shall be guilty of a class B felony;

48           (2) If the quantity involved is ninety grams or more the person shall be guilty of a class  
49 A felony.

50           6. A person commits the crime of trafficking drugs in the second degree if, except as  
51 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
52 attempts to purchase, or brings into this state more than four grams of phencyclidine. Violations  
53 of this subsection shall be punished as follows:

54           (1) If the quantity involved is more than four grams but less than twelve grams the  
55 person shall be guilty of a class B felony;

56           (2) If the quantity involved is twelve grams or more the person shall be guilty of a class  
57 A felony.

58           7. A person commits the crime of trafficking drugs in the second degree if, except as  
59 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
60 attempts to purchase, or brings into this state more than thirty kilograms or more of a mixture  
61 or substance containing marijuana. Violations of this subsection shall be punished as follows:

62           (1) If the quantity involved is more than thirty kilograms but less than one hundred  
63 kilograms the person shall be guilty of a class B felony;

64           (2) If the quantity involved is one hundred kilograms or more the person shall be guilty  
65 of a class A felony.

66           8. A person commits the class A felony of trafficking drugs in the second degree if,  
67 except as authorized by sections 195.005 to 195.425, he possesses or has under his control,  
68 purchases or attempts to purchase, or brings into this state more than five hundred marijuana  
69 plants.

70           9. A person commits the crime of trafficking drugs in the second degree if, except as  
71 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
72 attempts to purchase, or brings into this state more than thirty grams of any material, compound,  
73 mixture or preparation which contains any quantity of the following substances having a  
74 stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts  
75 of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers;

76 phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to  
77 violate this subsection shall be punished as follows:

78 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
79 person shall be guilty of a class B felony;

80 (2) If the quantity involved is ninety grams or more but less than four hundred fifty  
81 grams, the person shall be guilty of a class A felony;

82 (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty  
83 of a class A felony and the term of imprisonment shall be served without probation or parole.

84 10. A person commits the crime of trafficking drugs in the second degree if, except as  
85 authorized by sections 195.005 to 195.425, he or she possesses or has under his or her control,  
86 purchases or attempts to purchase, or brings into this state more than thirty grams of any  
87 material, compound, mixture or preparation which contains any quantity of  
88 3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this  
89 subsection shall be punished as follows:

90 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
91 person shall be guilty of a class B felony;

92 (2) If the quantity involved is ninety grams or more but less than four hundred fifty  
93 grams, the person shall be guilty of a class A felony;

94 (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty  
95 of a class A felony and the term of imprisonment shall be served without probation or parole.]

96 :

97 (1) **More than thirty grams but less than ninety grams of a mixture or substance**  
98 **containing a detectable amount of heroin;**

99 (2) **More than one hundred fifty grams but less than four hundred fifty grams of**  
100 **a mixture or substance containing a detectable amount of coca leaves, except coca leaves**  
101 **and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or**  
102 **their salts have been removed; cocaine salts and their optical and geometric isomers, and**  
103 **salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any**  
104 **compound, mixture, or preparation which contains any quantity of any of the foregoing**  
105 **substances;**

106 (3) **More than eight grams but less than twenty-four grams of a mixture or**  
107 **substance described in subdivision (2) of this subsection which contains cocaine base;**

108 (4) **More than five hundred milligrams but less than one gram of a mixture or**  
109 **substance containing a detectable amount of lysergic acid diethylamide (LSD);**

110 (5) **More than thirty grams but less than ninety grams of a mixture or substance**  
111 **containing a detectable amount of phencyclidine (PCP);**

112 (6) **More than four grams but less than twelve grams of phencyclidine;**

(7) More than thirty kilograms but less than one hundred kilograms of a mixture or substance containing marijuana;

(8) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(9) More than thirty grams but less than ninety grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.

2. The offense of trafficking drugs in the second degree is a class C felony.

3. The offense of trafficking drugs in the second degree is a class B felony if the quantity involved if:

(1) Ninety grams or more of a mixture or substance containing a detectable amount of heroin; or

(2) Four hundred fifty grams or more of a mixture or substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any of the foregoing substances; or

(3) More than twenty-four grams of a mixture or substance described in subdivision (2) of this subsection which contains cocaine base; or

(4) One gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD); or

(5) Ninety grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

(6) Twelve grams or more of phencyclidine; or

(7) One hundred kilograms or more of a mixture or substance containing marijuana; or

(8) More than five hundred marijuana plants; or

(9) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

(10) Ninety grams or more but less than four hundred fifty grams of any material, compound, mixture, or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.

4. The offense of trafficking drugs in the second degree is a class A felony if the quantity involved is four hundred fifty grams or more of any material, compound, mixture or preparation which contains:

(1) Any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate; or

(2) Any quantity of 3,4-methylenedioxymethamphetamine.

[565.065.] **579.070.** 1. A person commits the [crime] **offense** of [unlawful endangerment of another] **creating a danger** if, while [engaged in or as a part of the enterprise for the production of] **producing, or attempting to produce**, a controlled substance, he or she **purposely** protects or attempts to protect the production of the controlled substance by creating, setting up, building, erecting, or using any device or weapon which causes or is intended to cause physical injury to another person.

2. [Unlawful endangerment of another] **The offense of creating a danger** is a class C felony.

[195.226.] **579.072.** 1. [No] A person [shall provide] **commits the offense of furnishing materials for the production of a controlled substance if he or she provides** any reagents, solvents or precursor materials used in the production of a controlled substance as defined in section 195.010 to any other person knowing that the person to whom such materials are provided intends to use such materials for the illegal production of a controlled substance.

2. [Any person who violates the provisions of subsection 1 of this section is guilty of a class D felony] **The offense of furnishing materials for the production of a controlled substance is a class E felony.**

[195.233.] **579.074.** 1. [It is unlawful for any person to use, or to possess] **A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses** with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance or an imitation controlled substance in violation of [sections 195.005 to 195.425] **this chapter.**

2. [A person who violates this section is guilty of a class A misdemeanor, unless the person uses, or possesses with intent to use, the paraphernalia in combination with each other to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues] **The offense of unlawful possession of drug paraphernalia is a class**

12 **D misdemeanor, unless the person has previously been found guilty of any offense of the**  
13 **laws of this state related to controlled substances or of the laws of another jurisdiction**  
14 **related to controlled substances,** in which case the violation of this section is a class [D felony]  
15 **A misdemeanor. Prior findings of guilt shall be pleaded and proven in the same manner**  
16 **as required by section 558.021.**

17 **3. The offense of unlawful possession of drug paraphernalia is a class E felony if**  
18 **the person uses, or possesses with intent to use, the paraphernalia in combination with each**  
19 **other to manufacture, compound, produce, prepare, test, or analyze amphetamine or**  
20 **methamphetamine or any of their analogues.**

[195.235.] **579.076. 1. [It is unlawful for any person to deliver, possess with intent to**  
2 **deliver, or manufacture, with intent to deliver,] A person commits the offense of unlawful**  
3 **manufacture of drug paraphernalia if he or she unlawfully manufactures with intent to**  
4 **deliver** drug paraphernalia, knowing, or under circumstances where one reasonably should  
5 know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound,  
6 convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject,  
7 ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation  
8 controlled substance in violation of [sections 195.005 to 195.425] **this chapter.**

9 **2. [Possession of more than twenty-four grams of any methamphetamine precursor drug**  
10 **or combination of methamphetamine precursor drugs shall be prima facie evidence of intent to**  
11 **violate this section. This subsection shall not apply to any practitioner or to any product**  
12 **possessed in the course of a legitimate business.**

13 **3. A person who violates this section is guilty of a class D felony] The offense of**  
14 **unlawful manufacture of drug paraphernalia is a class A misdemeanor, unless done for**  
15 **commercial purposes, in which case it is a class E felony.**

[195.241.] **579.078. 1. [It is unlawful for any person to possess an imitation controlled**  
2 **substance in violation of this chapter.] A person commits the offense of possession of an**  
3 **imitation controlled substance if he or she knowingly possesses an imitation controlled**  
4 **substance.**

5 **2. [A person who violates this section is guilty of] The offense of possession of an**  
6 **imitation controlled substance is a class A misdemeanor.**

[195.242.] **579.080. 1. [It is unlawful for any person to deliver, possess with intent to**  
2 **deliver, manufacture with intent to deliver, or cause] A person commits the offense of delivery**  
3 **of an imitation controlled substance if he or she knowingly delivers, possesses with intent**  
4 **to deliver, or causes to be delivered any imitation controlled substance.**

5 **2. [A person who violates this section is guilty of a class D felony.] The offense of**  
6 **delivery of an imitation controlled substance is a class E felony.**

[195.248.] **579.082. 1. [It is unlawful for any person to market, sell, distribute, advertise**  
2 **or label] A person commits the offense of unlawful marketing of ephedrine or**



3 **pseudoephedrine if he or she knowingly markets, sells, distributes, advertises, or labels** any  
4 drug product containing ephedrine, its salts, optical isomers and salts of optical isomers, or  
5 pseudoephedrine, its salts, optical isomers and salts of optical isomers, for indication of  
6 stimulation, mental alertness, weight loss, appetite control, energy or other indications not  
7 approved [pursuant to] **under** the pertinent federal over-the-counter drug Final Monograph or  
8 Tentative Final Monograph or approved new drug application.

9       2. [A person who violates this section is guilty of a class D] **The offense of unlawful**  
10 **marketing of ephedrine or pseudoephedrine is a class E felony.**

      [195.252.] **579.084.** 1. [It is unlawful for any] **A person commits the offense of**  
2 **distribution of a controlled substance in violation of registration requirements if he or she:**

3       (1) [Who] Is subject to the provisions of sections 195.005 to 195.198 [to distribute or  
4 dispense] , **and knowingly distributes or dispenses** a controlled substance in violation of  
5 section 195.030;

6       (2) [Who] Is a registrant, [to manufacture a controlled substance not authorized by that  
7 person's registration, or to distribute or dispense] **and knowingly distributes or dispenses** a  
8 controlled substance not authorized by that person's registration to another registrant or other  
9 authorized person;

10       (3) [To refuse or fail] **Knowingly refuses or fails** to make, keep or furnish any record,  
11 notification, order form, statement, invoice or information required under section 195.050.

12       2. [Any person who violates subdivision (1) of subsection 1 of this section or subdivision  
13 (2) of subsection 1 of this section is guilty of a class D felony.] **The offense of distribution of**  
14 **a controlled substance in violation of registration requirements is a class E felony when the**  
15 **offense is a violation of subdivision (1) or (2) of subsection 1 of this section.**

16       3. [Any person who violates subdivision (3) of subsection 1 of this section is guilty of  
17 a class A misdemeanor.] **The offense of distribution of a controlled substance in violation**  
18 **of registration requirements is a class A misdemeanor when the offense is a violation of**  
19 **subdivision (3) of subsection 1 of this section.**

      [195.254.] **579.086.** 1. [It is unlawful for any] **A manufacturer or distributor [or agent]**  
2 **, or an employee of a manufacturer or distributor, [having reasonable cause to believe that]**  
3 **commits the offense of unlawful delivery of a controlled substance when he or she knowingly**  
4 **delivers a controlled substance while acting recklessly as to whether the controlled**  
5 **substance will be used in violation of [sections 195.005 to 195.425 to deliver the controlled**  
6 **substance] this chapter.**

7       2. [Any person who violates this section is guilty of a class D] **The offense of unlawful**  
8 **delivery of a controlled substance by a manufacturer or distributor is a class E felony.**

      [565.350.] **579.090.** 1. Any pharmacist licensed [pursuant to] **under** chapter 338  
2 commits the [crime] **offense** of tampering with a prescription or a prescription drug order as  
3 defined in section 338.095 if such person knowingly:

4 (1) Causes the intentional adulteration of the concentration or chemical structure of a  
5 prescribed drug or drug therapy without the knowledge and consent of the prescribing  
6 practitioner; **or**

7 (2) Misrepresents a misbranded, altered, or diluted prescription drug or drug therapy with  
8 the purpose of misleading the recipient or the administering person of the prescription drug or  
9 drug therapy; or

10 (3) Sells a misbranded, altered, or diluted prescription drug therapy with the intention  
11 of misleading the purchaser.

12 2. **The offense of** tampering with a prescription drug order is a class A felony.

[578.154.] **579.095.** 1. A person commits the [crime] **offense** of possession of  
2 anhydrous ammonia in a nonapproved container if he or she possesses any quantity of anhydrous  
3 ammonia in a cylinder or other portable container that was not designed, fabricated, tested,  
4 constructed, marked and placarded in accordance with the United States Department of  
5 Transportation Hazardous Materials regulations contained in CFR 49 Parts 100 to 185, revised  
6 as of October 1, 2002, [which are herein incorporated by reference,] and approved for the storage  
7 and transportation of anhydrous ammonia, or any container that is not a tank truck, tank trailer,  
8 rail tank car, bulk storage tank, field (nurse) tank or field applicator.

9 2. Cylinder and other portable container valves and other fittings, or hoses attached  
10 thereto, used in anhydrous ammonia service shall be constructed of material resistant to  
11 anhydrous ammonia and shall not be constructed of brass, copper, silver, zinc, or other material  
12 subject to attack by ammonia. Each cylinder utilized for the storage and transportation of  
13 anhydrous ammonia shall be labeled, in a conspicuous location, with the words "ANHYDROUS  
14 AMMONIA" or "CAUTION: ANHYDROUS AMMONIA" and the UN number 1005 (UN  
15 1005).

16 3. [A violation of this section is a class D] **The offense of possession of anhydrous**  
17 **ammonia in a nonapproved container is a class E** felony.

[578.250.] **579.097.** No person shall intentionally smell or inhale the fumes of any  
2 solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl  
3 nitrite, and propyl nitrite and their iso-analogues or induce any other person to do so, for the  
4 purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria,  
5 dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of  
6 senses or nervous system, or for the purpose of, in any manner, changing, distorting, or  
7 disturbing the audio, visual, or mental processes; except that this section shall not apply to the  
8 inhalation of any anesthesia for medical or dental purposes.

[578.255.] **579.099.** 1. As used in this section, "alcohol beverage vaporizer" means any  
2 device which, by means of heat, a vibrating element, or any other method, is capable of  
3 producing a breathable mixture containing one or more alcoholic beverages to be dispensed for  
4 inhalation into the lungs via the nose or mouth or both.

5           2. No person shall intentionally or willfully induce the symptoms of intoxication, elation,  
6 euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or  
7 dulling of the senses or nervous system, distortion of audio, visual or mental processes by the  
8 use or abuse of any of the following substances:

- 9           (1) Solvents, particularly toluol;  
10          (2) Ethyl alcohol;  
11          (3) Amyl nitrite and its iso-analogues;  
12          (4) Butyl nitrite and its iso-analogues;  
13          (5) Cyclohexyl nitrite and its iso-analogues;  
14          (6) Ethyl nitrite and its iso-analogues;  
15          (7) Pentyl nitrite and its iso-analogues; and  
16          (8) Propyl nitrite and its iso-analogues.

17          3. This section shall not apply to substances that have been approved by the United  
18 States Food and Drug Administration as therapeutic drug products or are contained in approved  
19 over-the-counter drug products or administered lawfully pursuant to the order of an authorized  
20 medical practitioner.

21          4. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite,  
22 butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their  
23 iso-analogues for the purpose of using it in the manner prohibited by section [578.250] **579.097**  
24 and this section.

25          5. No person shall possess or use an alcoholic beverage vaporizer.

26          6. Nothing in this section shall be construed to prohibit the legal consumption of  
27 intoxicating liquor, as defined by section 311.020, or nonintoxicating beer[, as defined by section  
28 312.010].

[578.260.] **579.101.** 1. No person shall intentionally possess or buy any solvent,  
2 particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and  
3 propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to  
4 violate the provisions of sections [578.250 and 578.255] **579.097 and 579.099.**

5          2. Any person who violates any provision of sections [578.250 to 578.260] **579.097 to**  
6 **579.101** is guilty of a class B misdemeanor for the first violation and a class [D] E felony for any  
7 subsequent violations.

[578.265.] **579.103.** 1. [No person shall] **A person commits the offense of selling or**  
2 **transferring solvents to cause certain symptoms if he or she** knowingly and intentionally  
3 **[sell] sells** or otherwise **[transfer] transfers** possession of any solvent, particularly toluol, amyl  
4 nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their  
5 iso-analogues to any person for the purpose of causing a condition of, or inducing symptoms of,  
6 intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis,

7 stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner,  
8 changing, distorting, or disturbing the audio, visual, or mental processes.

9       2. No person who owns or operates any business which receives over fifty percent of its  
10 gross annual income from the sale of alcoholic beverages or beer, **or which operates as a venue**  
11 **for live entertainment performance or receives fifty percent of its gross annual income**  
12 **from the sale of recorded video equipment**, shall sell or offer for sale toluol, amyl nitrite, butyl  
13 nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, and propyl nitrite and their iso-analogues,  
14 or any toxic glue.

15       3. [No person who owns or operates any business which operates as a venue for live  
16 entertainment performance or receives over fifty percent of its gross annual income from the sale  
17 of recorded video entertainment shall sell or offer for sale toluol, amyl nitrite, butyl nitrite,  
18 cyclohexyl nitrite, ethyl nitrite, pentyl nitrite, propyl nitrite or their iso-analogues.

19       4. Any person who violates the provisions] **Violation** of [subsection 1 or 2 of] this  
20 section is [guilty of] a class [C] **D** felony.

      [195.130.] **579.105.** 1. [Any room, building, structure or inhabitable structure as defined  
2 in section 569.010 which is used for the illegal use, keeping or selling of controlled substances  
3 is a "public nuisance". No person shall keep or maintain such a public nuisance.

4       2. The attorney general, circuit attorney or prosecuting attorney may, in addition to any  
5 criminal prosecutions, prosecute a suit in equity to enjoin the public nuisance. If the court finds  
6 that the owner of the room, building, structure or inhabitable structure knew that the premises  
7 were being used for the illegal use, keeping or selling of controlled substances, the court may  
8 order that the premises shall not be occupied or used for such period as the court may determine,  
9 not to exceed one year.

10       3. All persons, including owners, lessees, officers, agents, inmates or employees, aiding  
11 or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance.

12       4. It is unlawful for a person to keep or maintain such a public nuisance.] **A person**  
13 **commits the offense of keeping or maintaining a public nuisance if he or she knowingly**  
14 **keeps or maintains:**

15       (1) **Any room, building, structure or inhabitable structure, as defined in section**  
16 **569.010, which is used for the illegal manufacture, distribution, storage, or sale of any**  
17 **amount of a controlled substance, except thirty-five grams or less of marijuana or thirty-**  
18 **five grams or less of any synthetic cannabinoid; or**

19       (2) **Any room, building, structure or inhabitable structure, as defined in section**  
20 **569.010, where on three or more separate occasions within the period of a year, two or**  
21 **more persons, who were not residents of the room, building, structure, or inhabitable**  
22 **structure, gathered for the principal of unlawfully ingesting, injecting, inhaling or using**  
23 **any amount of a controlled substance, except thirty-five grams or less of marijuana or**  
24 **thirty-five grams or less of any synthetic cannabinoid.**

25           **2.** In addition to any other criminal prosecutions, the prosecuting attorney or circuit  
26 attorney may by information or indictment charge the owner or the occupant, or both the owner  
27 and the occupant of the room, building, structure, or inhabitable structure with the [crime]  
28 **offense** of keeping or maintaining a public nuisance. [Keeping or maintaining a public nuisance  
29 is a class C felony.]

30           **3. The offense of keeping or maintaining a public nuisance is a class E felony.**

31           [5.] **4.** Upon the conviction of the owner pursuant to subsection [4] **2** of this section, the  
32 room, building, structure, or inhabitable structure is subject to the provisions of sections 513.600  
33 to 513.645.

                  [195.180.] **579.107.** 1. A person may lawfully possess or have under his **or her** control  
2 a controlled substance if [such person] **he or she** obtained the controlled substance directly from,  
3 or pursuant to, a valid prescription or [order of a practitioner while acting] **practitioner's order**  
4 **issued** in the course of a practitioner's professional practice or except as otherwise authorized  
5 by [sections 195.005 to 195.425] **this chapter**.

6           2. In any complaint, information, or indictment, and in any action or proceeding brought  
7 for the enforcement of any provision of [sections 195.005 to 195.425] **this chapter**, it shall not  
8 be necessary to negative any exception, excuse, proviso, or exemption, contained in [sections  
9 195.005 to 195.425] **this chapter**, and the burden of proof of any such exception, excuse,  
10 proviso or exemption, shall be upon the defendant.

                  [195.420.] **579.110.** 1. [It is unlawful for any person to possess] **A person commits the**  
2 **offense of possession of methamphetamine precursors if he or she knowingly possesses one**  
3 **or more** chemicals listed in subsection 2 of section 195.400, [or] reagents, [or] solvents, or any  
4 other chemicals proven to be precursor ingredients of methamphetamine or amphetamine, as  
5 established by expert testimony [pursuant to subsection 3 of this section], with the intent to  
6 manufacture, compound, convert, produce, process, prepare, test, or otherwise alter that chemical  
7 to create a controlled substance or a controlled substance analogue in violation of [sections  
8 195.005 to 195.425] **this chapter**.

9           2. [A person who violates this section is guilty of a class C felony.] **Possession of more**  
10 **than twenty-four grams of ephedrine or pseudoephedrine shall be prima facie evidence of**  
11 **intent to violate this section. This subsection shall not apply to any practitioner or to any**  
12 **product possessed in the course of a legitimate business.**

13           3. [The state may present expert testimony to provide a prima facie case that any  
14 chemical, whether or not listed in subsection 2 of section 195.400, is an immediate precursor  
15 ingredient for producing methamphetamine or amphetamine.] **The offense of possession of**  
16 **methamphetamine precursors is a class E felony.**

                  [195.515.] **579.115.** 1. Any manufacturer or wholesaler who sells, transfers, or otherwise  
2 furnishes ephedrine, pseudoephedrine or phenylpropanolamine, or any of their salts, optical  
3 isomers and salts of optical isomers, alone or in a mixture, and is required by federal law to

4 report any suspicious transaction to the United States attorney general, shall submit a copy of the  
5 report to the chief law enforcement official with jurisdiction before completion of the sale or as  
6 soon as practicable thereafter.

7 2. As used in this section, "suspicious transaction" means any sale or transfer required  
8 to be reported pursuant to 21 U.S.C. 830(b)(1).

9 3. [Any violation of this section shall be a class D felony.] **The offense of failure to**  
10 **report suspicious transactions is a class E felony.**

[577.625.] **579.150.** 1. [No person less than twenty-one years of age shall distribute] **A**  
2 **person commits the offense of distribution of prescription medication on school property**  
3 **if he or she is less than twenty-one years of age and knowingly distributes** upon the real  
4 property comprising a public or private elementary or secondary school or school bus a  
5 prescription medication to any individual who does not have a valid prescription for such  
6 medication. For purposes of this section, prescription medication shall not include medication  
7 containing a controlled substance, as defined in section 195.010.

8 2. The provisions of this section shall not apply to any person authorized to distribute  
9 a prescription medication by any school personnel who are responsible for storing, maintaining,  
10 or dispensing any prescription medication under chapter 338. This section shall not limit the use  
11 of any prescription medication by emergency personnel[, as defined in section 565.081,] during  
12 an emergency situation.

13 3. [Any person less than twenty-one years of age who violates this section is guilty of]  
14 **The offense of distribution of prescription medication on school property is** a class B  
15 misdemeanor for a first offense and a class A misdemeanor for any second or subsequent  
16 offense.

[577.628.] **579.155.** 1. [No person less than twenty-one years of age shall possess] **A**  
2 **person commits the offense of possession of prescription medication on school property if**  
3 **he or she is less than twenty-one years of age and knowingly possesses** upon the real property  
4 comprising a public or private elementary or secondary school or school bus prescription  
5 medication without a valid prescription for such medication. For purposes of this section,  
6 prescription medication shall not include medication containing a controlled substance, as  
7 defined in section 195.010.

8 2. The provisions of this section shall not apply to any person authorized to possess a  
9 prescription medication by any school personnel who are responsible for storing, maintaining,  
10 or dispensing any prescription medication under chapter 338. This section shall not limit the use  
11 of any prescription medication by emergency personnel[, as defined in section 565.081,] during  
12 an emergency situation.

13 3. [Any person less than twenty-one years of age who violates the provisions of this  
14 section is guilty of] **The offense of possession of prescription medication on school property**

15 is a class C misdemeanor for a first offense and a class B misdemeanor for any second or  
16 subsequent offense.

[195.275.] **579.170.** 1. The following words or phrases as used in [sections 195.005 to  
2 195.425] **this chapter** have the following meanings, unless the context otherwise requires:

3 (1) "Prior drug offender", one who [has previously pleaded guilty to or] has been found  
4 guilty of any felony offense of the laws of this state, or of the United States, or any other state,  
5 territory or district relating to controlled substances;

6 (2) "Persistent drug offender", one who [has previously pleaded guilty to or] has been  
7 found guilty of two or more felony offenses of the laws of this state or of the United States, or  
8 any other state, territory or district relating to controlled substances.

9 2. Prior [pleas of guilty and prior] findings of [guilty] **guilt** shall be pleaded and proven  
10 in the same manner as required by section 558.021.

11 3. The court shall not instruct the jury as to the range of punishment or allow the jury,  
12 upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of  
13 prior drug offenders or persistent drug offenders.

14 4. [The provisions of sections 195.285 to 195.296 shall not be construed to affect and  
15 may be used in addition to the sentencing provisions of sections 558.016 and 558.019.] **The**  
16 **court shall sentence a person who has been found to be a prior drug offender and is found**  
17 **guilty of a class C, D, or E felony under this chapter to the authorized term of**  
18 **imprisonment for one class higher offense than the offense for which the person was found**  
19 **guilty.**

20 5. **The court shall sentence a person who has been found to be a persistent drug**  
21 **offender and is found guilty of a class B, C, D, or E felony under this chapter to the**  
22 **authorized term of imprisonment for two classes higher offense than the offense for which**  
23 **the person was found guilty. The court shall sentence a persistent drug offender who is**  
24 **found guilty of a class B felony under this chapter to the authorized term of imprisonment**  
25 **for a class A offense.**

[195.280.] **579.175.** Any peace officer of the state of Missouri, or of any political  
2 subdivision thereof, may, within the boundaries of the political entity from which he **or she**  
3 derives his **or her** authority, arrest without a warrant any person he **or she** sees violating or  
4 whom he **or she** has probable cause to believe has violated any provision of this chapter.

[195.367.] **579.180.** 1. It is not necessary for the state to negate any exemption or  
2 exception in [sections 195.005 to 195.425] **this chapter** in any complaint, information,  
3 indictment, or other pleading or in any trial, hearing, or other proceeding under [sections 195.005  
4 to 195.425] **this chapter**. The burden of producing evidence of any exemption or exception is  
5 upon the person claiming it.

6 2. **In the absence of proof that a person is the duly authorized holder of an**  
7 **appropriate registration or order form issued under chapter 195, the person is presumed**

8 **not to be the holder of the registration or form. The burden of producing evidence with**  
9 **respect to the registration or order form is upon such person claiming to be the authorized**  
10 **holder of the registration or form.**

[195.371.] **579.185.** No criminal liability is imposed by [sections 195.005 to 195.425]  
2 **this chapter** upon any authorized state, county, or municipal officer, lawfully engaged in the  
3 enforcement of [sections 195.005 to 195.425] **this chapter** in good faith.

589.425. 1. A person commits the crime of failing to register as a sex offender when the  
2 person is required to register under sections 589.400 to 589.425 and fails to comply with any  
3 requirement of sections 589.400 to 589.425. Failing to register as a sex offender is a class [D]  
4 **E** felony unless the person is required to register based on having committed an offense in  
5 chapter 566 which was an unclassified felony, a class A or B felony, or a felony involving a child  
6 under the age of fourteen, in which case it is a class [C] **D** felony.

7 2. A person commits the crime of failing to register as a sex offender as a second offense  
8 by failing to comply with any requirement of sections 589.400 to 589.425 and he or she has  
9 previously pled guilty to or has previously been found guilty of failing to register as a sex  
10 offender. Failing to register as a sex offender as a second offense is a class [D] **E** felony unless  
11 the person is required to register based on having committed an offense in chapter 566, or an  
12 offense in any other state or foreign country, or under federal, tribal, or military jurisdiction,  
13 which if committed in this state would be an offense under chapter 566 which was an  
14 unclassified felony, a class A or B felony, or a felony involving a child under the age of fourteen,  
15 in which case it is a class [C] **D** felony.

16 3. (1) A person commits the crime of failing to register as a sex offender as a third  
17 offense by failing to meet the requirements of sections 589.400 to 589.425 and he or she has, on  
18 two or more occasions, previously pled guilty to or has previously been found guilty of failing  
19 to register as a sex offender. Failing to register as a sex offender as a third offense is a felony  
20 which shall be punished by a term of imprisonment of not less than ten years and not more than  
21 thirty years.

22 (2) No court may suspend the imposition or execution of sentence of a person who  
23 pleads guilty to or is found guilty of failing to register as a sex offender as a third offense. No  
24 court may sentence such person to pay a fine in lieu of a term of imprisonment.

25 (3) A person sentenced under this subsection shall not be eligible for conditional release  
26 or parole until he or she has served at least two years of imprisonment.

27 (4) Upon release, an offender who has committed failing to register as a sex offender as  
28 a third offense shall be electronically monitored as a mandatory condition of supervision.  
29 Electronic monitoring may be based on a global positioning system or any other technology  
30 which identifies and records the offender's location at all times.

[566.224.] **595.223.** No prosecuting or circuit attorney, peace officer, governmental  
2 official, or employee of a law enforcement agency shall request or require a victim of [sexual



3 assault] **an offense** under [section 566.040 or forcible rape under section 566.030] **chapter 566,**  
4 **or a victim of an offense of domestic assault or stalking** to submit to any polygraph test or  
5 psychological stress evaluator exam as a condition for proceeding with a criminal investigation  
6 of such [crime] **offense.**

[566.226.] **595.226.** 1. After August 28, 2007, any information contained in any court  
2 record, whether written or published on the Internet, that could be used to identify or locate any  
3 victim of [sexual assault,] **an offense under chapter 566 or a victim of** domestic assault, **or**  
4 stalking, [or forcible rape] shall be closed and redacted from such record prior to disclosure to  
5 the public. Identifying information shall include the name, home or temporary address,  
6 telephone number, Social Security number, **place of employment** or physical characteristics.  
7 2. If the court determines that a person or entity who is requesting identifying  
8 information of a victim has a legitimate interest in obtaining such information, the court may  
9 allow access to the information, but only if the court determines that disclosure to the person or  
10 entity would not compromise the welfare or safety of such victim, **and only after providing**  
11 **reasonable notice to the victim and after allowing the victim right to respond to such**  
12 **request.**

13 3. Notwithstanding the provisions of subsection 1 of this section, the judge presiding  
14 over a [sexual assault,] **case under chapter 566, or a case of** domestic assault[, **or** stalking[,  
15 or forcible rape case] shall have the discretion to publicly disclose identifying information  
16 regarding the defendant which could be used to identify or locate the victim of the crime. The  
17 victim may provide a statement to the court regarding whether he or she desires such information  
18 to remain closed. When making the decision to disclose such information, the judge shall  
19 consider the welfare and safety of the victim and any statement to the court received from the  
20 victim regarding the disclosure.

[557.041.] **595.229.** 1. Prior to the acceptance of a plea bargain by the court with respect  
2 to any person who has pled guilty to an offense after initially being charged with a felony, the  
3 court shall allow the victim of such offense to submit a written statement or appear before the  
4 court personally or by counsel for the purpose of making a statement. The statement shall relate  
5 solely to the facts of the case and any personal injuries or financial loss incurred by the victim.  
6 A member of the immediate family of the victim may appear personally or by counsel to make  
7 a statement if the victim has died or is otherwise unable to appear as a result of the offense  
8 committed by the defendant.

9 2. At the time of sentencing of any person who has pled guilty or been found guilty of  
10 a felony offense, the victim of such offense may appear before the court personally or by counsel  
11 for the purpose of making a statement or may submit a written statement. The statement shall  
12 relate solely to the facts of the case and any personal injuries or financial loss incurred by the  
13 victim. A member of the immediate family of the victim may appear personally or by counsel

14 to make a statement if the victim has died or is otherwise unable to appear as a result of the  
15 offense committed by the defendant.

16 3. The prosecuting attorney shall inform the victim or shall inform a member of the  
17 immediate family of the victim if the victim is dead or otherwise is unable to make a statement  
18 as a result of the offense committed by the defendant of the right to make a statement pursuant  
19 to subsections 1 and 2 of this section. If the victim or member of the immediate family supplies  
20 a stamped, self-addressed envelope, the prosecutor shall send notice of the time and location that  
21 the court will hear the guilty plea or render sentence.

[570.222.] **595.232.** 1. Notwithstanding that jurisdiction may lie elsewhere for  
2 investigation and prosecution of [a crime] **an offense** of identity theft, victims of identity theft  
3 have the right to contact the local law enforcement agency where the victim is domiciled and  
4 request that an incident report about the identity theft be prepared and filed. The victim may also  
5 request from the local law enforcement agency to receive a copy of the incident report. The law  
6 enforcement agency may share the incident report with law enforcement agencies located in other  
7 jurisdictions.

8 2. As used in this section, "incident report" means a loss or other similar report prepared  
9 and filed by a local law enforcement agency.

10 3. Nothing in this section shall interfere with the discretion of a local law enforcement  
11 agency to allocate resources for investigations of crimes or to provide an incident report as  
12 permitted in this section. An incident report prepared and filed under this section shall not be  
13 an open case for purposes of compiling open case statistics.

610.125. 1. A person subject to an order of the court in subsection 4 of section 610.123  
2 who knowingly fails to expunge or obliterate, or releases arrest information which has been  
3 ordered expunged pursuant to section 610.123 is guilty of a class B misdemeanor.

4 2. A person subject to an order of the court in subsection 4 of section 610.123 who,  
5 knowing the records have been ordered expunged, uses the arrest information for financial gain  
6 is guilty of a class [D] **E** felony.

[577.054.] **610.130.** 1. After a period of not less than ten years, an individual who has  
2 pleaded guilty or has been convicted for a first [alcohol-related driving] **intoxication-related**  
3 **traffic offense or intoxication-related boating** offense which is a misdemeanor or a county or  
4 city ordinance violation and which is not a conviction for driving a commercial motor vehicle  
5 while under the influence of alcohol and who since such date has not been convicted of any  
6 [other alcohol-related driving] **intoxication-related traffic offense or intoxication-related**  
7 **boating** offense may apply to the court in which he or she pled guilty or was sentenced for an  
8 order to expunge from all official records all recordations of his or her arrest, plea, trial or  
9 conviction.

10 2. If the court determines, after hearing, that such person has not been convicted of any  
11 subsequent [alcohol-related driving] **intoxication-related traffic offense or intoxication-**

12 **related boating** offense, has no other subsequent alcohol-related enforcement contacts as  
13 defined in section 302.525, and has no other [alcohol-related driving charges] **intoxication-**  
14 **related traffic offense or intoxication-related boating offenses** or alcohol-related enforcement  
15 actions pending at the time of the hearing on the application, the court shall enter an order of  
16 expungement.

17       **3.** Upon granting of the order of expungement, the records and files maintained in any  
18 administrative or court proceeding in an associate or circuit division of the circuit court under  
19 this section shall be confidential and only available to the parties or by order of the court for  
20 good cause shown. The effect of such order shall be to restore such person to the status he or she  
21 occupied prior to such arrest, plea or conviction and as if such event had never taken place. No  
22 person as to whom such order has been entered shall be held thereafter under any provision of  
23 any law to be guilty of perjury or otherwise giving a false statement by reason of his or her  
24 failure to recite or acknowledge such arrest, plea, trial, conviction or expungement in response  
25 to any inquiry made of him or her for any purpose whatsoever and no such inquiry shall be made  
26 for information relating to an expungement under this section. A person shall only be entitled  
27 to one expungement pursuant to this section. Nothing contained in this section shall prevent the  
28 director from maintaining such records as to ensure that an individual receives only one  
29 expungement pursuant to this section for the purpose of informing the proper authorities of the  
30 contents of any record maintained pursuant to this section.

31       [2.] **4.** The provisions of this section shall not apply to any individual who has been  
32 issued a commercial driver's license or is required to possess a commercial driver's license issued  
33 by this state or any other state.

630.155. 1. A person commits the crime of "patient, resident or client abuse or neglect"  
2 against any person admitted on a voluntary or involuntary basis to any mental health facility or  
3 mental health program in which people may be civilly detained pursuant to chapter 632, or any  
4 patient, resident or client of any residential facility, day program or specialized service operated,  
5 funded or licensed by the department if he knowingly does any of the following:

- 6       (1) Beats, strikes or injures any person, patient, resident or client;
- 7       (2) Mistreats or maltreats, handles or treats any such person, patient, resident or client  
8 in a brutal or inhuman manner;
- 9       (3) Uses any more force than is reasonably necessary for the proper control, treatment  
10 or management of such person, patient, resident or client;
- 11       (4) Fails to provide services which are reasonable and necessary to maintain the physical  
12 and mental health of any person, patient, resident or client when such failure presents either an  
13 imminent danger to the health, safety or welfare of the person, patient, resident or client, or a  
14 substantial probability that death or serious physical harm will result.

15           2. Patient, resident or client abuse or neglect is a class A misdemeanor unless committed  
16 under subdivision (2) or (4) of subsection 1 of this section in which case such abuse or neglect  
17 shall be a class [D] E felony.

          [565.216.] **630.161.** The department of mental health shall investigate incidents and  
2 reports of vulnerable person abuse using the procedures established in sections 630.163 to  
3 630.167 and, upon substantiation of the report of vulnerable person abuse, shall promptly report  
4 the incident to the appropriate law enforcement agency and prosecutor. If the department is  
5 unable to substantiate whether abuse occurred due to the failure of the operator or any of the  
6 operator's agents or employees to cooperate with the investigation, the incident shall be promptly  
7 reported to appropriate law enforcement agencies.

**630.162. 1. When any physician, physician assistant, dentist, chiropractor,**  
2 **optometrist, podiatrist, intern, resident, nurse, nurse practitioner, medical examiner, social**  
3 **worker, licensed professional counselor, certified substance abuse counselor, psychologist,**  
4 **physical therapist, pharmacist, other health practitioner, minister, Christian Science**  
5 **practitioner, facility administrator, nurse's aide or orderly in a residential facility, day**  
6 **program or specialized service operated, funded or licensed by the department or in a**  
7 **mental health facility or mental health program in which people may be admitted on a**  
8 **voluntary basis or are civilly detained pursuant to chapter 632; or employee of the**  
9 **departments of social services, mental health, or health and senior services; or home health**  
10 **agency or home health agency employee; hospital and clinic personnel engaged in**  
11 **examination, care, or treatment of persons; in-home services owner, provider, operator,**  
12 **or employee; law enforcement officer; long-term care facility administrator or employee;**  
13 **mental health professional; peace officer; probation or parole officer; or other nonfamilial**  
14 **person with responsibility for the care of a vulnerable person, as defined by section**  
15 **630.005, has reasonable cause to suspect that such a person has been subjected to abuse or**  
16 **neglect or observes such a person being subjected to conditions or circumstances that**  
17 **would reasonably result in abuse or neglect, he or she shall immediately report or cause**  
18 **a report to be made to the department in accordance with section 630.163. Any other**  
19 **person who becomes aware of circumstances which may reasonably be expected to be the**  
20 **result of or result in abuse or neglect may report to the department. Notwithstanding any**  
21 **other provision of this section, a duly ordained minister, clergy, religious worker, or**  
22 **Christian Science practitioner while functioning in his or her ministerial capacity shall not**  
23 **be required to report concerning a privileged communication made to him or her in his or**  
24 **her professional capacity.**

25           2. Any residential facility, day program or specialized service operated, funded or  
26 licensed by the department that prevents or discourages a patient, resident or client,  
27 employee or other person from reporting that a patient, resident or client of a facility,  
28 program or service has been abused or neglected shall be subject to loss of their license

29 **issued pursuant to sections 630.705 to 630.760, and civil fines of up to five thousand dollars**  
30 **for each attempt to prevent or discourage reporting.**

[565.220.] **630.164.** Any person, official or institution complying with the provisions of  
2 section [565.218] **630.162**, in the making of a report, or in cooperating with the department in  
3 any of its activities pursuant to sections [565.216 and 565.218] **630.161 to 630.167**, except [any]  
4 **the** person, official, or institution [violating section 565.210, 565.212, or 565.214] **accused of**  
5 **abusing or neglecting the vulnerable person** shall be immune from any civil or criminal  
6 liability for making such a report, or in cooperating with the department, unless such person  
7 acted negligently, recklessly, in bad faith, or with malicious purpose.

630.165. 1. When any physician, physician assistant, dentist, chiropractor, optometrist,  
2 podiatrist, intern, resident, nurse, nurse practitioner, medical examiner, social worker, licensed  
3 professional counselor, certified substance abuse counselor, psychologist, other health  
4 practitioner, minister, Christian Science practitioner, peace officer, pharmacist, physical  
5 therapist, facility administrator, nurse's aide, orderly or any other direct-care staff in a residential  
6 facility, day program, group home or developmental disability facility as defined in section  
7 633.005, or specialized service operated, licensed, certified, or funded by the department or in  
8 a mental health facility or mental health program in which people may be admitted on a  
9 voluntary basis or are civilly detained pursuant to chapter 632, or employee of the departments  
10 of social services, mental health, or health and senior services; or home health agency or home  
11 health agency employee; hospital and clinic personnel engaged in examination, care, or treatment  
12 of persons; in-home services owner, provider, operator, or employee; law enforcement officer,  
13 long-term care facility administrator or employee; mental health professional, probation or parole  
14 officer, or other nonfamilial person with responsibility for the care of a patient, resident, or client  
15 of a facility, program, or service has reasonable cause to suspect that a patient, resident or client  
16 of a facility, program or service has been subjected to abuse or neglect or observes such person  
17 being subjected to conditions or circumstances that would reasonably result in abuse or neglect,  
18 he or she shall immediately report or cause a report to be made to the department in accordance  
19 with section 630.163.

20 2. Any person who knowingly fails to make a report as required in subsection 1 of this  
21 section is guilty of a class A misdemeanor and shall be subject to a fine up to one thousand  
22 dollars. Penalties collected for violations of this section shall be transferred to the state school  
23 moneys fund as established in section 166.051 and distributed to the public schools of this state  
24 in the manner provided in section 163.031. Such penalties shall not considered charitable for  
25 tax purposes.

26 3. Every person who has been previously convicted of or pled guilty to failing to make  
27 a report as required in subsection 1 of this section and who is subsequently convicted of failing  
28 to make a report under subsection 2 of this section is guilty of a class [D] **E** felony and shall be  
29 subject to a fine up to five thousand dollars. Penalties collected for violation of this subsection

30 shall be transferred to the state school moneys fund as established in section 166.051 and  
31 distributed to the public schools of this state in the manner provided in section 163.031. Such  
32 penalties shall not considered charitable for tax purposes.

33 4. Any person who knowingly files a false report of vulnerable person abuse or neglect  
34 is guilty of a class A misdemeanor and shall be subject to a fine up to one thousand dollars.  
35 Penalties collected for violations of this subsection shall be transferred to the state school  
36 moneys fund as established in section 166.051 and distributed to the public schools of this state  
37 in the manner provided in section 163.031. Such penalties shall not considered charitable for  
38 tax purposes.

39 5. Every person who has been previously convicted of or pled guilty to making a false  
40 report to the department and who is subsequently convicted of making a false report under  
41 subsection 4 of this section is guilty of a class [D] E felony and shall be subject to a fine up to  
42 five thousand dollars. Penalties collected for violations of this subsection shall be transferred  
43 to the state school moneys fund as established in section 166.051 and distributed to the public  
44 schools of this state in the manner provided in section 163.031. Such penalties shall not  
45 considered charitable for tax purposes.

46 6. Evidence of prior convictions of false reporting shall be heard by the court, out of the  
47 hearing of the jury, prior to the submission of the case to the jury, and the court shall determine  
48 the existence of the prior convictions.

49 7. Any residential facility, day program, or specialized service operated, funded, or  
50 licensed by the department that prevents or discourages a patient, resident, client, employee, or  
51 other person from reporting that a patient, resident, or client of a facility, program, or service has  
52 been abused or neglected shall be subject to loss of their license issued pursuant to sections  
53 630.705 to 630.760 and civil fines of up to five thousand dollars for each attempt to prevent or  
54 discourage reporting.

[195.501.] **650.150.** Sections [195.501 to 195.511] **650.150 to 650.165** shall be known  
2 and may be cited as the "Intergovernmental Drug Laws Enforcement Act".

[195.503.] **650.153.** As used in sections [195.501 to 195.511] **650.150 to 650.165**, the  
2 following terms mean:

3 (1) "Department", the department of public safety;

4 (2) "Director", the director of the department of public safety;

5 (3) "Drug laws", all laws regulating the production, sale, prescribing, manufacturing,  
6 administering, transporting, having in possession, dispensing, distributing, or use of controlled  
7 substances, as defined in section 195.010;

8 (4) "Multijurisdictional enforcement group", or "MEG", a combination of political  
9 subdivisions established under sections 573.500 and 573.503, section 178.653, and section  
10 311.329 to investigate and enforce computer, Internet-based, narcotics, and drug violations.

2 [195.505.] **650.156.** 1. Any two or more political subdivisions or the state highway  
3 patrol and any one or more political subdivisions may by order or ordinance agree to cooperate  
4 with one another in the formation of a multijurisdictional enforcement group for the purpose of  
5 intensive professional investigation of computer, Internet-based, narcotics and drug law  
6 violations.

7 2. The power of arrest of any peace officer who is duly authorized as a member of a  
8 MEG unit shall only be exercised during the time such peace officer is an active member of a  
9 MEG unit and only within the scope of the investigation on which the MEG unit is working.  
10 Notwithstanding other provisions of law to the contrary, such MEG officer shall have the power  
11 of arrest, as limited in this subsection, anywhere in the state and shall provide prior notification  
12 to the chief of police of the municipality in which the arrest is to take place or the sheriff of the  
13 county if the arrest is to be made in his venue. If exigent circumstances exist, such arrest may  
14 be made; however, notification shall be made to the chief of police or sheriff, as appropriate, as  
15 soon as practical. The chief of police or sheriff may elect to work with the MEG unit at his **or**  
her option when such MEG is operating within the jurisdiction of such chief of police or sheriff.

[195.507.] **650.159.** 1. A county bordering another state may enter into agreement with  
2 the political subdivisions in such other state's contiguous county pursuant to section 70.220 to  
3 form a multijurisdictional enforcement group for the enforcement of drug and controlled  
4 substance laws and work in cooperation pursuant to sections [195.501 to 195.511] **650.150 to**  
5 **650.165.**

6 2. Such other state's law enforcement officers may be deputized as officers of the  
7 counties of this state participating in an agreement pursuant to subsection 1 of this section, and  
8 shall be deemed to have met all requirements of peace officer training and certification pursuant  
9 to chapter 590 for the purposes of conducting investigations and making arrests in this state  
10 pursuant to the provisions of section 195.505, provided such officers have satisfied the  
11 applicable peace officer training and certification standards in force in such other state.

12 3. Such other state's law enforcement officers shall have the same powers and  
13 immunities when working under an agreement pursuant to subsection 1 of this section as if  
14 working under an agreement with another political subdivision in Missouri pursuant to section  
15 70.815.

16 4. A multijurisdictional enforcement group formed pursuant to this section is eligible to  
17 receive state grants to help defray the costs of its operation pursuant to the terms of section  
18 195.509.

19 5. The provisions of subsections 2, 3, and 4 of this section shall not be in force unless  
20 such other state has provided or shall provide legal authority for its political subdivisions to enter  
21 into such agreements and to extend reciprocal powers and privileges to the law enforcement  
22 officers of this state working pursuant to such agreements.

[195.509.] **650.161.** 1. A multijurisdictional enforcement group which meets the minimum criteria established in this section is eligible to receive state grants to help defray the costs of operation.

2. To be eligible for state grants, a MEG shall:

(1) Be established and operating pursuant to intergovernmental contracts written and executed in conformity by law, and involve two or more units of local government;

(2) Establish a MEG policy board composed of an elected official, or his designee, and the chief law enforcement officer from each participating unit of local government and a representative of a hazardous materials response team or, if such team is not formed, then a representative of the local fire response agency, to oversee the operations of the MEG and make such reports to the department of public safety as the department may require;

(3) Designate a single appropriate official of a participating unit of local government to act as the financial officer of the MEG for all participating units of the local government and to receive funds for the operation of the MEG;

(4) Limit its target operation to enforcement of drug laws;

(5) Cooperate with the department of public safety in order to assure compliance with sections [195.501 to 195.511] **650.150 to 650.165** and to enable the department to fulfill its duties under sections [195.501 to 195.511] **650.150 to 650.165** and supply the department with all information the department deems necessary therefor;

(6) Cooperate with the local hazardous material response team to establish a local emergency response strategy.

3. The department of public safety shall monitor the operations of all MEG units which receive state grants. From the moneys appropriated annually, if funds are made available by the general assembly for this purpose, the director shall determine and certify to the auditor the amount of the grant to be made to each designated MEG financial officer. No provision of this section shall prohibit funding of multijurisdictional enforcement groups by sources other than those provided by the general assembly, if such funding is in accordance with and in such a manner as provided by law.

[195.511.] **650.165.** The director shall report annually, no later than January first of each year, to the governor and the general assembly on the operations of the multijurisdictional enforcement groups, including a breakdown of the appropriation for the current fiscal year indicating the amount of the state grant each MEG received or will receive.

701.320. 1. Except as otherwise provided, violation of the provisions of sections 701.308, 701.309, 701.310, 701.311 and 701.316 is a class A misdemeanor.

2. Any lead inspector, risk assessor, lead abatement supervisor, lead abatement worker, project designer, or lead abatement contractor who engages in a lead abatement project while such person's license, issued under section 701.312, is under suspension or revocation is guilty of a class [D] E felony.



[195.025. 1. No person shall:

(1) Transport, carry, and convey any controlled substance by means of any vessel, vehicle, or aircraft, except as authorized in sections 195.010 to 195.320;

(2) Conceal or possess any controlled substance in or upon any vessel, vehicle or aircraft; or

(3) Use any vessel, vehicle, or aircraft to facilitate the transportation, carriage, conveyance, concealment, receive possession, purchase, sell, barter, exchange or giving away of any controlled substance.

2. When used in this section the term:

(1) "Aircraft" includes every description of craft or carriage or other contrivance used or capable of being used as a means of transportation through air;

(2) "Vehicle" includes every description of carriage or other contrivance used or capable of being used as a means of transportation, on, below, or above the land, and shall include but not be limited to automobiles, trucks, station wagons, trailers and motorcycles, but does not include aircraft;

(3) "Vessel" includes every description of water craft or other contrivance used or capable of being used as a means of transportation in water, but does not include aircraft.]

[195.110. A person to whom or for whose use any controlled substance in Schedule II has been prescribed, sold, or dispensed by a physician, dentist, podiatrist, or pharmacist, or other person authorized under the provisions of section 195.050 and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.]

[195.135. 1. A search warrant may issue, and execution and seizure may be had, as provided in the rules of criminal procedure for the courts of Missouri, for any controlled substance or imitation controlled substance unlawfully in the possession or under the control of any person, or for any drug paraphernalia for the unauthorized administration or use of controlled substances or imitation controlled substances in the possession or under the control of any person.

2. Any peace officer of the state, upon making an arrest for a violation of this chapter, shall seize without warrant any controlled substance or imitation controlled substance or drug paraphernalia kept for the unauthorized administration or use of a controlled substance or imitation controlled substance in the possession or under the control of the person or persons arrested, providing such seizure shall be made incident to the arrest.]

[195.213. 1. A person commits the crime of unlawful purchase or transport of a controlled substance with a minor if he knowingly permits a minor child to purchase or transport illegally obtained controlled substances.

4           2. Unlawful purchase or transport of a controlled substance with a minor  
5 is a class B felony.]  
6

2           [195.214. 1. A person commits the offense of distribution of a controlled  
3 substance near schools if such person violates section 195.211 by unlawfully  
4 distributing or delivering any controlled substance to a person in or on, or within  
5 two thousand feet of, the real property comprising a public or private elementary  
6 or secondary school, public vocational school, or a public or private community  
7 college, college or university or on any school bus.

8           2. Distribution of a controlled substance near schools is a class A felony  
9 which term shall be served without probation or parole if the court finds the  
10 defendant is a persistent drug offender.]

2           [195.217. 1. A person commits the offense of distribution of a controlled  
3 substance near a park if such person violates section 195.211 by unlawfully  
4 distributing or delivering heroin, cocaine, cocaine base, LSD, amphetamine, or  
5 methamphetamine to a person in or on, or within one thousand feet of, the real  
6 property comprising a public park, state park, county park, or municipal park or  
7 a public or private park designed for public recreational purposes, as park is  
8 defined in section 253.010.

9           2. Distribution of a controlled substance near a park is a class A felony.]

2           [195.219. 1. A person commits the crime of unlawful endangerment of  
3 property if, while engaged in or as a part of the enterprise for the production of  
4 a controlled substance, he protects or attempts to protect the production of the  
5 controlled substance by creating, setting up, building, erecting or using any  
6 device or weapon which causes or is intended to cause damage to the property of,  
7 or injury to, another person.

8           2. Unlawful endangerment of property is a class C felony, unless there  
9 is physical injury to a person whereby the offense is a class B felony, or there is  
10 serious physical injury to a person whereby the offense is a class A felony.]

2           [195.246. 1. It is unlawful for any person to possess any  
3 methamphetamine precursor drug with the intent to manufacture amphetamine,  
4 methamphetamine or any of their analogs.

5           2. Possession of more than twenty-four grams of any methamphetamine  
6 precursor drug or combination of methamphetamine precursor drugs shall be  
7 prima facie evidence of intent to violate this section. This subsection shall not  
8 apply to any practitioner or to any product possessed in the course of a legitimate  
9 business.

10          3. A person who violates this section is guilty of a class D felony.]

2           [195.256. 1. It is unlawful for any person to manufacture, deliver or  
3 possess with intent to manufacture or deliver, a controlled substance which, or  
the container or labeling of which, without authorization and with knowledge of

the nature of his actions, bears the trademark, trade name, or other identifying mark, imprint, number or device or any likeness thereof, of a manufacturer, distributor, or dispenser, other than the person who in fact manufactured, distributed, or dispensed the substance.

2. A person who violates this section is guilty of a class D felony.]

[195.285. 1. Any person who has pleaded guilty to or been found guilty of a violation of subsection 2 of section 195.202 shall be sentenced to the authorized term of imprisonment for a class B felony if the court finds the defendant is a prior drug offender.

2. Any person who has pleaded guilty to or been found guilty of a violation of subsection 2 of section 195.202 shall be sentenced to the authorized term of imprisonment for a class A felony if it finds the defendant is a persistent drug offender.]

[195.291. 1. Any person who has pleaded guilty to or been found guilty of a violation of section 195.211, when punishable as a class B felony, shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the defendant is a prior drug offender.

2. Any person who has pleaded guilty to or been found guilty of a violation of section 195.211, when punishable as a class B felony, shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole if the court finds the defendant is a persistent drug offender.]

[195.292. Any person who has pleaded guilty to or been found guilty of a violation of section 195.212 or 195.213 shall be sentenced to the authorized term of imprisonment for a class A felony which term shall be served without probation or parole if the court finds the defendant is a prior drug offender.]

[195.295. 1. Any person who has pleaded guilty to or been found guilty of violation of subdivision (1) of subsection 1 of section 195.223, subdivision (1) of subsection 2 of section 195.223, subdivision (1) of subsection 3 of section 195.223, subdivision (1) of subsection 4 of section 195.223, subdivision (1) of subsection 5 of section 195.223, subdivision (1) of subsection 6 of section 195.223, or subdivision (1) of subsection 7 of section 195.223 shall be sentenced to the authorized term of imprisonment for a class A felony if the court finds the defendant is a prior drug offender.

2. Any person who has pleaded guilty to or been found guilty of a violation of subdivision (1) of subsection 1 of section 195.223, subdivision (1) of subsection 2 of section 195.223, subdivision (1) of subsection 3 of section 195.223, subdivision (1) of subsection 4 of section 195.223, subdivision (1) of subsection 5 of section 195.223, subdivision (1) of subsection 6 of section 195.223, or subdivision (1) of subsection 7 of section 195.223, or subdivision (1) of subsection 9 of section 195.223 shall be sentenced to the authorized term of

16 imprisonment for a class A felony, which term shall be without probation or  
17 parole, if the court finds the defendant is a persistent drug offender.

18 3. Any person who has pleaded guilty to or been found guilty of a  
19 violation of subdivision (2) of subsection 1 of section 195.223, subdivision (2)  
20 of subsection 2 of section 195.223, subdivision (2) of subsection 3 of section  
21 195.223, subdivision (2) of subsection 4 of section 195.223, subdivision (2) of  
22 subsection 5 of section 195.223, subdivision (2) of subsection 6 of section  
23 195.223, or subdivision (2) of subsection 7 of section 195.223 or subsection 8 of  
24 section 195.223, or subdivision (2) of subsection 9 of section 195.223 shall be  
25 sentenced to the authorized term of imprisonment for a class A felony, which  
26 term shall be served without probation or parole, if the court finds the defendant  
27 is a prior drug offender.]  
28

2 [195.296. Any person who has pleaded guilty to or been found guilty of  
3 violation of subdivision (1) of subsection 1 of section 195.222, subdivision (1)  
4 of subsection 2 of section 195.222, subdivision (1) of subsection 3 of section  
5 195.222, subdivision (1) of subsection 4 of section 195.222, subdivision (1) of  
6 subsection 5 of section 195.222, subdivision (1) of subsection 6 of section  
7 195.222, or subdivision (1) of subsection 7 of section 195.222, or subdivision (1)  
8 of subsection 8 of section 195.222 shall be sentenced to the authorized term of  
9 imprisonment for a class A felony which term shall be served without probation  
10 or parole if the court finds the defendant is a prior drug offender.]

2 [195.369. In the absence of proof that a person is the duly authorized  
3 holder of an appropriate registration or order form issued under sections 195.005  
4 to 195.425, the person is presumed not to be the holder of the registration or  
5 form. The burden of producing evidence with respect to the registration or order  
6 form is upon that person.]

2 [306.112. 1. A person commits the crime of operating a vessel with  
3 excessive blood alcohol content if such person operates a vessel on the  
4 Mississippi River, Missouri River or the lakes of this state with eight-hundredths  
5 of one percent or more by weight of alcohol in such person's blood.

6 2. As used in this section, percent by weight of alcohol in the blood shall  
7 be based upon grams of alcohol per one hundred milliliters of blood and may be  
8 shown by chemical analysis of the person's blood, breath, urine, or saliva.

9 3. Operating a vessel with excessive blood alcohol content is a class B  
10 misdemeanor.]

2 [306.114. 1. No person convicted of or pleading guilty to a violation of  
3 section 306.111 or 306.112 shall be granted a suspended imposition of sentence,  
4 unless such person is placed on probation for a minimum of two years and a  
5 record of the conviction or plea of guilty is entered into the records of the  
6 Missouri uniform law enforcement system maintained by the Missouri state  
highway patrol.

7           2. Chemical tests of a person's blood, breath, urine, or saliva to be  
8 considered valid under the provisions of sections 306.111 to 306.119 shall be  
9 performed according to methods and devices approved by the department of  
10 health and senior services by licensed medical personnel or by a person  
11 possessing a valid permit issued by the department of health and senior services  
12 for this purpose. In addition, any state, county, or municipal law enforcement  
13 officer who is certified pursuant to chapter 590 may, prior to arrest, administer  
14 a portable chemical test to any person suspected of operating any vessel in  
15 violation of section 306.111 or 306.112. A portable chemical test shall be  
16 admissible as evidence of probable cause to arrest and as exculpatory evidence,  
17 but shall not be admissible as evidence of blood alcohol content. The provisions  
18 of section 306.116 shall not apply to a test administered prior to arrest pursuant  
19 to this section.

20           3. The department of health and senior services shall approve satisfactory  
21 techniques, devices, equipment, or methods to conduct tests required by sections  
22 306.111 to 306.119, and shall establish standards as to the qualifications and  
23 competence of individuals to conduct analyses and to issue permits which shall  
24 be subject to termination, suspension or revocation by the department of health  
25 and senior services.

26           4. A licensed physician, registered nurse, or trained medical technician,  
27 acting at the request and direction of a law enforcement officer, shall withdraw  
28 blood for the purpose of determining the alcohol content of the blood, unless the  
29 medical personnel, in the exercise of good faith medical judgment, believes such  
30 procedure would endanger the life or health of the person in custody. Blood may  
31 be withdrawn only by such medical personnel, but such restriction shall not apply  
32 to the taking of a breath test or a urine or saliva specimen. In withdrawing blood  
33 for the purpose of determining the alcohol content in the blood, only a previously  
34 unused and sterile needle and sterile vessel shall be used and the withdrawal shall  
35 otherwise be in strict accord with accepted medical practices. Upon the request  
36 of the person who is tested, full information concerning the test taken at the  
37 direction of the law enforcement officer shall be made available to such person.

38           5. No person who administers any test pursuant to the provisions of  
39 sections 306.111 to 306.119 upon the request of a law enforcement officer, no  
40 hospital in or with which such person is employed or is otherwise associated or  
41 in which such test is administered, and no other person, firm, or corporation by  
42 whom or with which such person is employed or is in any way associated shall  
43 be civilly liable for damages to the person tested, except for negligence in  
44 administering of the test or for willful and wanton acts or omissions.

45           6. Any person who is dead, unconscious or who is otherwise in a  
46 condition rendering such person incapable of refusing to take a test as provided  
47 in sections 306.111 to 306.119 shall be deemed not to have withdrawn the  
48 consent provided by section 306.116 and the test or tests may be administered.]  
49

2           [306.116. 1. Any person who operates a vessel upon the Mississippi  
River, Missouri River or the lakes of this state shall be deemed to have given

3 consent to, subject to the provisions of sections 306.111 to 306.119, a chemical  
4 test or tests of such person's breath, blood, urine, or saliva for the purpose of  
5 determining the alcohol or drug content of such person's blood if arrested for any  
6 offense arising out of acts which the arresting law enforcement officer had  
7 reasonable grounds to believe were committed while the person was operating a  
8 vessel upon the Mississippi River, Missouri River or lakes of this state in  
9 violation of section 306.111 or 306.112. The test shall be administered at the  
10 direction of the arresting law enforcement officer whenever the person has been  
11 arrested for the offense.

12 2. The implied consent to submit to the chemical tests listed in subsection  
13 1 of this section shall be limited to not more than two such tests arising from the  
14 same arrest, incident, or charge.

15 3. The person tested may have a physician, or a qualified technician,  
16 chemist, registered nurse, or other qualified person of such person's choosing and  
17 at such person's expense administer a test in addition to any administered at the  
18 direction of a law enforcement officer. The failure or inability to obtain an  
19 additional test by a person shall not preclude the admission of evidence relating  
20 to the test taken at the direction of a law enforcement officer.

21 4. Upon the request of the person who is tested, full information  
22 concerning the test shall be made available to such person.]  
23

2 [306.117. 1. Upon the trial of any person for violation of any of the  
3 provisions of section 306.111 or 306.112 the amount of alcohol or drugs in the  
4 person's blood at the time of the act alleged as shown by any chemical analysis  
5 of the person's blood, breath, urine, or saliva is admissible in evidence and the  
6 provisions of subdivision (5) of section 491.060 shall not prevent the  
7 admissibility or introduction of such evidence if otherwise admissible. Evidence  
8 of alcohol in a person's blood shall be given the following effect:

9 (1) If there was five-hundredths of one percent or less by weight of  
10 alcohol in such person's blood, it shall be presumed that the person was not  
11 intoxicated at the time the specimen was obtained;

12 (2) If there was in excess of five-hundredths of one percent but less than  
13 eight-hundredths of one percent by weight of alcohol in such person's blood, the  
14 fact shall not give rise to any presumption that the person was or was not  
15 intoxicated, but the fact may be considered with other competent evidence in  
16 determining whether the person was intoxicated;

17 (3) If there was eight-hundredths of one percent or more by weight of  
18 alcohol in the person's blood, this shall be prima facie evidence that the person  
19 was intoxicated at the time the specimen was taken.

20 2. Percent by weight of alcohol in the blood shall be based upon grams  
21 of alcohol per one hundred milliliters of blood.

22 3. A chemical analysis of a person's breath, blood, urine, or saliva, in  
23 order to give rise to the presumption or to have the effect provided for in  
subsection 1 of this section, shall have been performed as provided in sections

24 306.111 to 306.119 and in accordance with methods and standards approved by  
25 the department of health and senior services.

26 4. The provisions of this section shall not be construed as limiting the  
27 introduction of any other competent evidence bearing upon the question whether  
28 the person was intoxicated or under the influence of a controlled substance, or  
29 drug, or a combination of either or both with or without alcohol.]  
30

1 [306.118. 1. For purposes of this section, unless the context clearly  
2 indicates otherwise, the following terms mean:

3 (1) "Aggravated offender", a person who:

4 (a) Has pleaded guilty to or has been found guilty of three or more  
5 intoxication-related boating offenses; or

6 (b) Has pleaded guilty to or has been found guilty of one or more  
7 intoxication-related boating offenses and any of the following: involuntary  
8 manslaughter under subsection 3 of section 306.111; assault with a vessel in the  
9 second degree under subsection 4 of section 306.111, or assault of a law  
10 enforcement officer in the second degree under subdivision (4) of subsection 1  
11 of section 565.082;

12 (2) "Chronic offender":

13 (a) A person who has pleaded guilty to or has been found guilty of four  
14 or more intoxication-related boating offenses; or

15 (b) A person who has pleaded guilty to or has been found guilty of, on  
16 two or more separate occasions, any combination of the following: involuntary  
17 manslaughter under subsection 3 of section 306.111; assault with a vessel in the  
18 second degree under subsection 4 of section 306.111; or assault of a law  
19 enforcement officer in the second degree under subdivision (4) of subsection 1  
20 of section 565.082; or

21 (c) A person who has pleaded guilty to or has been found guilty of two  
22 or more intoxication-related boating offenses and any of the following:  
23 involuntary manslaughter under subsection 3 of section 306.111; assault with a  
24 vessel in the second degree under subsection 4 of section 306.111; or assault of  
25 a law enforcement officer in the second degree under subdivision (4) of  
26 subsection 1 of section 565.082;

27 (3) "Intoxication-related boating offense", operating a vessel while  
28 intoxicated under subsection 2 of section 306.111; operating a vessel with  
29 excessive blood alcohol content under section 306.112; involuntary manslaughter  
30 under subsection 3 of section 306.111; assault with a vessel in the second degree  
31 under subsection 4 of section 306.111; any violation of subsection 2 of section  
32 306.110; or assault of a law enforcement officer in the second degree under  
33 subdivision (4) of subsection 1 of section 565.082;

34 (4) "Persistent offender", one of the following:

35 (a) A person who has pleaded guilty to or has been found guilty of two  
36 or more intoxication-related boating offenses;

37 (b) A person who has pleaded guilty to or has been found guilty of  
38 involuntary manslaughter under subsection 3 of section 306.111, assault in the

second degree under subsection 4 of section 306.111, assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082;

(5) "Prior offender", a person who has pleaded guilty to or has been found guilty of one intoxication-related boating offense, where such prior offense occurred within five years of the occurrence of the intoxication-related boating offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112, who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of subsection 2 of section 306.110, section 306.111, or section 306.112 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section, nor sentence such person to pay a fine in lieu of a term of imprisonment, notwithstanding the provisions of section 557.011 to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and



(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilt shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.]

[306.119. 1. If an arresting officer requests a person under arrest to submit to a chemical test, such request shall include the reasons of the officer for requesting the person to submit to a test and shall inform the person that he or she may refuse such request but that such person's refusal may be used as evidence against him or her. If a person refuses a test as provided in this subsection, no test shall be given.

2. If a person refuses to submit to a chemical test of such person's breath, blood, urine, or saliva and that person stands trial for the crimes provided in section 306.111 or 306.112, such refusal may be admissible into evidence at the trial.]

[306.141. 1. A person commits the crime of leaving the scene of a vessel accident if:

(1) The person is an operator of a vessel on a waterway;

(2) The person knows that an injury was caused to another person or to the property of another person, due to the person's action, whether purposefully, negligently or accidentally; and

(3) The person leaves the place of the injury, damage, or accident without stopping and giving the following information to the other party or to a water

9 patrol officer or other law enforcement officer or, if no officer is in the vicinity,  
10 then without delay to the nearest police station or judicial officer:

- 11 (a) The operator's name;
- 12 (b) The operator's residence, including city and street number;
- 13 (c) The vessel registration number; and
- 14 (d) The operator's license number for any license issued under chapter  
15 302.

16 2. Leaving the scene of a vessel accident is a class A misdemeanor,  
17 unless:

- 18 (1) The defendant has previously pled guilty to, or been found guilty of,  
19 a violation of this section; or
  - 20 (2) The accident resulted in physical injury to another person. In which  
21 cases, leaving the scene of a vessel accident is a class D felony.]
- 22

[556.016. 1. An offense defined by this code or by any other statute of  
2 this state, for which a sentence of death or imprisonment is authorized,  
3 constitutes a "crime". Crimes are classified as felonies and misdemeanors.

4 2. A crime is a "felony" if it is so designated or if persons convicted  
5 thereof may be sentenced to death or imprisonment for a term which is in excess  
6 of one year.

7 3. A crime is a "misdemeanor" if it is so designated or if persons  
8 convicted thereof may be sentenced to imprisonment for a term of which the  
9 maximum is one year or less.]

10

[556.022. It shall be the duty of the operator or driver of any vehicle or  
2 the rider of any animal traveling on the roads of this state to stop on signal of any  
3 law enforcement officer and to obey any other reasonable signal or direction of  
4 such law enforcement officer given in the course of enforcing any infraction.  
5 Any person who willfully fails or refuses to obey any signal or direction of a law  
6 enforcement officer given in the course of enforcing any infraction, or who  
7 willfully resists or opposes a law enforcement officer in the proper discharge of  
8 his or her duties in the course of enforcing any infraction, is guilty of a class A  
9 misdemeanor and on plea or finding of guilt thereof shall be punished as  
10 provided by law for such offenses.]

11

[556.051. When the phrase "The defendant shall have the burden of  
2 injecting the issue" is used in the code, it means

3 (1) The issue referred to is not submitted to the trier of fact unless  
4 supported by evidence; and

5 (2) If the issue is submitted to the trier of fact any reasonable doubt on  
6 the issue requires a finding for the defendant on that issue.]

7

[556.056. When the phrase "affirmative defense" is used in the code, it  
2 means

3 (1) The defense referred to is not submitted to the trier of fact unless  
4 supported by evidence; and

5 (2) If the defense is submitted to the trier of fact the defendant has the  
6 burden of persuasion that the defense is more probably true than not.]  
7

2 [556.063. In all criminal statutes, unless the context requires a different  
definition, the following terms mean:

3 (1) "Access", to instruct, communicate with, store data in, retrieve or  
4 extract data from, or otherwise make any use of any resources of, a computer,  
5 computer system, or computer network;

6 (2) "Computer", the box that houses the central processing unit (cpu),  
7 along with any internal storage devices, such as internal hard drives, and internal  
8 communication devices, such as internal modems capable of sending or receiving  
9 electronic mail or fax cards, along with any other hardware stored or housed  
10 internally. Thus, computer refers to hardware, software and data contained in the  
11 main unit. Printers, external modems attached by cable to the main unit,  
12 monitors, and other external attachments will be referred to collectively as  
13 peripherals and discussed individually when appropriate. When the computer  
14 and all peripherals are referred to as a package, the term "computer system" is  
15 used. Information refers to all the information on a computer system including  
16 both software applications and data;

17 (3) "Computer equipment", computers, terminals, data storage devices,  
18 and all other computer hardware associated with a computer system or network;

19 (4) "Computer hardware", all equipment which can collect, analyze,  
20 create, display, convert, store, conceal or transmit electronic, magnetic, optical  
21 or similar computer impulses or data. Hardware includes, but is not limited to,  
22 any data processing devices, such as central processing units, memory typewriters  
23 and self-contained laptop or notebook computers; internal and peripheral storage  
24 devices, transistor-like binary devices and other memory storage devices, such  
25 as floppy disks, removable disks, compact disks, digital video disks, magnetic  
26 tape, hard drive, optical disks and digital memory; local area networks, such as  
27 two or more computers connected together to a central computer server via cable  
28 or modem; peripheral input or output devices, such as keyboards, printers,  
29 scanners, plotters, video display monitors and optical readers; and related  
30 communication devices, such as modems, cables and connections, recording  
31 equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed  
32 dialers, programmable telephone dialing or signaling devices and electronic  
33 tone-generating devices; as well as any devices, mechanisms or parts that can be  
34 used to restrict access to computer hardware, such as physical keys and locks;

35 (5) "Computer network", a complex consisting of two or more  
36 interconnected computers or computer systems;

37 (6) "Computer program", a set of instructions, statements, or related data  
38 that directs or is intended to direct a computer to perform certain functions;

39 (7) "Computer software", digital information which can be interpreted by  
40 a computer and any of its related components to direct the way they work.

Software is stored in electronic, magnetic, optical or other digital form. It commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs;

(8) "Computer-related documentation", written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items;

(9) "Computer system", a set of related, connected or unconnected, computer equipment, data, or software;

(10) "Damage", any alteration, deletion, or destruction of any part of a computer system or network;

(11) "Data", a representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer;

(12) "Digital camera", a camera that records images in a format which enables the images to be downloaded into a computer;

(13) "Property", anything of value as defined in subdivision (10) of section 570.010 and includes, but is not limited to, financial instruments, information, including electronically produced data and computer software and programs in either machine or human readable form, and any other tangible or intangible item of value;

(14) "Services", the use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions.]

[557.046. In all felony cases, the court shall give notice of the time and place of sentencing to the prosecuting attorney and the law enforcement agency within whose jurisdiction the prosecution was initiated. The prosecuting attorney and a representative of the law enforcement agency may appear at sentencing and provide relevant information to the court prior to the court's decision.]

[560.016. 1. Except as otherwise provided for an offense outside this code, a person who has been convicted of a misdemeanor or infraction may be sentenced to pay a fine which does not exceed:

- (1) For a class A misdemeanor, one thousand dollars;
- (2) For a class B misdemeanor, five hundred dollars;
- (3) For a class C misdemeanor, three hundred dollars;
- (4) For an infraction, two hundred dollars.

2. In lieu of a fine imposed under subsection 1, a person who has been convicted of a misdemeanor or infraction through which he derived "gain" as defined in section 560.011, may be sentenced to a fine which does not exceed double the amount of gain from the commission of the offense. An individual

12 offender may be fined not more than twenty thousand dollars under this  
13 provision.]  
14

[560.021. 1. A sentence to pay a fine, when imposed on a corporation for  
2 an offense defined in this code or for any offense defined outside this code for  
3 which no special corporate fine is specified, shall be a sentence to pay an amount,  
4 fixed by the court, not exceeding:

5 (1) Ten thousand dollars, when the conviction is of a felony;

6 (2) Five thousand dollars, when the conviction is of a class A  
7 misdemeanor;

8 (3) Two thousand dollars, when the conviction is of a class B  
9 misdemeanor;

10 (4) One thousand dollars, when the conviction is of a class C  
11 misdemeanor;

12 (5) Five hundred dollars, when the conviction is of an infraction;

13 (6) Any higher amount not exceeding double the amount of the  
14 corporation's gain from the commission of the offense, as determined under  
15 section 560.011.

16 2. In the case of an offense defined outside the code, if a special fine for  
17 a corporation is expressly specified in the statute that defines the offense, the fine  
18 fixed by the court shall be

19 (1) An amount within the limits specified in the statute that defines the  
20 offense; or

21 (2) Any higher amount not exceeding double the amount of the  
22 corporation's gain from the commission of the offense, as determined under  
23 section 560.011.]  
24

[565.075. 1. A person commits the crime of assault while on school  
2 property if the person:

3 (1) Knowingly causes physical injury to another person; or

4 (2) With criminal negligence, causes physical injury to another person by  
5 means of a deadly weapon; or

6 (3) Recklessly engages in conduct which creates a grave risk of death or  
7 serious physical injury to another person; and the act described under subdivision  
8 (1), (2) or (3) of this subsection occurred on school or school district property, or  
9 in a vehicle that at the time of the act was in the service of a school or school  
10 district, or arose as a result of a school or school district-sponsored activity.

11 2. Assault while on school property is a class D felony.]  
12

[565.081. 1. A person commits the crime of assault of a law enforcement  
2 officer, corrections officer, emergency personnel, highway worker in a  
3 construction zone or work zone, or probation and parole officer in the first degree  
4 if such person attempts to kill or knowingly causes or attempts to cause serious  
5 physical injury to a law enforcement officer, corrections officer, emergency

6 personnel, highway worker in a construction zone or work zone, or probation and  
7 parole officer.

8 2. As used in this section, "emergency personnel" means any paid or  
9 volunteer firefighter, emergency room or trauma center personnel, or emergency  
10 medical technician as defined in subdivisions (15), (16), (17), and (18) of section  
11 190.100.

12 3. As used in this section the term "corrections officer" includes any jailer  
13 or corrections officer of the state or any political subdivision of the state.

14 4. When used in this section, the terms "highway worker", "construction  
15 zone", or "work zone" shall have the same meaning as such terms are defined in  
16 section 304.580.

17 5. Assault of a law enforcement officer, corrections officer, emergency  
18 personnel, highway worker in a construction zone or work zone, or probation and  
19 parole officer in the first degree is a class A felony.]  
20

[565.082. 1. A person commits the crime of assault of a law enforcement  
2 officer, corrections officer, emergency personnel, highway worker in a  
3 construction zone or work zone, or probation and parole officer in the second  
4 degree if such person:

5 (1) Knowingly causes or attempts to cause physical injury to a law  
6 enforcement officer, corrections officer, emergency personnel, or probation and  
7 parole officer by means of a deadly weapon or dangerous instrument;

8 (2) Knowingly causes or attempts to cause physical injury to a law  
9 enforcement officer, corrections officer, emergency personnel, highway worker  
10 in a construction zone or work zone, or probation and parole officer by means  
11 other than a deadly weapon or dangerous instrument;

12 (3) Recklessly causes serious physical injury to a law enforcement  
13 officer, corrections officer, emergency personnel, highway worker in a  
14 construction zone or work zone, or probation and parole officer; or

15 (4) While in an intoxicated condition or under the influence of controlled  
16 substances or drugs, operates a motor vehicle or vessel in this state and when so  
17 operating, acts with criminal negligence to cause physical injury to a law  
18 enforcement officer, corrections officer, emergency personnel, highway worker  
19 in a construction zone or work zone, or probation and parole officer;

20 (5) Acts with criminal negligence to cause physical injury to a law  
21 enforcement officer, corrections officer, emergency personnel, highway worker  
22 in a construction zone or work zone, or probation and parole officer by means of  
23 a deadly weapon or dangerous instrument;

24 (6) Purposely or recklessly places a law enforcement officer, corrections  
25 officer, emergency personnel, highway worker in a construction zone or work  
26 zone, or probation and parole officer in apprehension of immediate serious  
27 physical injury; or

28 (7) Acts with criminal negligence to create a substantial risk of death or  
29 serious physical injury to a law enforcement officer, corrections officer,

emergency personnel, highway worker in a construction zone or work zone, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

5. Assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, or probation and parole officer in the second degree is a class B felony unless committed pursuant to subdivision (2), (5), (6), or (7) of subsection 1 of this section in which case it is a class C felony. For any violation of subdivision (1), (3), or (4) of subsection 1 of this section, the defendant must serve mandatory jail time as part of his or her sentence.]

[565.083. 1. A person commits the crime of assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, or probation and parole officer in the third degree if:

(1) Such person recklessly causes physical injury to a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, or probation and parole officer;

(2) Such person purposely places a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, or probation and parole officer in apprehension of immediate physical injury;

(3) Such person knowingly causes or attempts to cause physical contact with a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, or probation and parole officer without the consent of the law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, or probation and parole officer.

2. As used in this section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), (17), and (18) of section 190.100.

3. As used in this section the term "corrections officer" includes any jailer or corrections officer of the state or any political subdivision of the state.

4. When used in this section, the terms "highway worker", "construction zone", or "work zone" shall have the same meaning as such terms are defined in section 304.580.

27           5. Assault of a law enforcement officer, corrections officer, emergency  
28 personnel, highway worker in a construction zone or work zone, or probation and  
29 parole officer in the third degree is a class A misdemeanor.]  
30

2           [565.092. 1. A patient or respondent is guilty of aggravated harassment  
3 of an employee when, with intent to harass, annoy, threaten or alarm a person in  
4 a facility whom the person knows or reasonably should know to be an employee  
5 of such facility or the department of mental health or to be an employee of any  
6 law enforcement agency, the person causes or attempts to cause such employee  
7 to come into contact with blood, seminal fluid, urine or feces, by throwing,  
8 tossing or expelling such fluid or material.

9           2. For the purposes of this section, "patient" means any person who is a  
10 patient in a facility operated by the department of mental health. For purposes  
11 of this section, "respondent" means a juvenile in a secure facility operated and  
12 maintained by the division of youth services. For purposes of this section,  
13 "facility" means a hospital operated by the department of mental health or a  
14 secure facility operated by the division of youth services.

15           3. Any person who violates the provisions of this section is guilty of a  
16 class A misdemeanor.]

2           [565.149. As used in sections 565.149 to 565.169, the following words  
3 and phrases mean:

- 4           (1) "Child", a person under seventeen years of age;  
5           (2) "Legal custody", the right to the care, custody and control of a child;  
6           (3) "Parent", either a biological parent or a parent by adoption;  
7           (4) "Person having a right of custody", a parent or legal guardian of the  
8 child.]

2           [565.165. 1. A person commits the crime of assisting in child abduction  
3 or parental kidnapping if he:

4           (1) Before or during the commission of a child abduction or parental  
5 kidnapping as defined in section 565.153 or 565.156 and with the intent to  
6 promote or facilitate such offense, intentionally assists another in the planning or  
7 commission of child abduction or parental kidnapping, unless before the  
8 commission of the offense he makes proper efforts to prevent the commission of  
9 the offense; or

10           (2) With the intent to prevent the apprehension of a person known to  
11 have committed the offense of child abduction or parental kidnapping, or with the  
12 intent to obstruct or prevent efforts to locate the child victim of a child abduction,  
13 knowingly destroys, alters, conceals or disguises physical evidence or furnishes  
14 false information.

15           2. Assisting in child abduction or parental kidnapping is a class A  
16 misdemeanor.]



[565.169. Upon conviction or guilty plea of a person under section 565.150, or section 565.153 or 565.156, the court may, in addition to or in lieu of any sentence or fine imposed, assess as restitution against the defendant and in favor of the legal custodian or parent any reasonable expenses incurred by the legal custodian or parent in searching for or returning the child.]

[565.180. 1. A person commits the crime of elder abuse in the first degree if he attempts to kill, knowingly causes or attempts to cause serious physical injury, as defined in section 565.002, to any person sixty years of age or older or an eligible adult as defined in section 660.250.

2. Elder abuse in the first degree is a class A felony.]

[565.182. 1. A person commits the crime of elder abuse in the second degree if he:

(1) Knowingly causes, attempts to cause physical injury to any person sixty years of age or older or an eligible adult, as defined in section 660.250, by means of a deadly weapon or dangerous instrument; or

(2) Recklessly and purposely causes serious physical injury, as defined in section 565.002, to a person sixty years of age or older or an eligible adult as defined in section 660.250.

2. Elder abuse in the second degree is a class B felony.]

[565.210. 1. A person commits the crime of vulnerable person abuse in the first degree if he or she attempts to kill or knowingly causes or attempts to cause serious physical injury to a vulnerable person, as defined in section 630.005.

2. Vulnerable person abuse in the first degree is a class A felony.]

[565.212. 1. A person commits the crime of vulnerable person abuse in the second degree if he or she:

(1) Knowingly causes or attempts to cause physical injury to a vulnerable person, as defined in section 630.005, by means of a deadly weapon or dangerous instrument; or

(2) Recklessly causes serious physical injury to any vulnerable person, as defined in section 630.005.

2. Vulnerable person abuse in the second degree is a class B felony.]

[565.214. 1. A person commits the crime of vulnerable person abuse in the third degree if he or she:

(1) Knowingly causes or attempts to cause physical contact with any vulnerable person as defined in section 630.005, knowing the other person will regard the contact as harmful or offensive; or

(2) Purposely engages in conduct involving more than one incident that causes grave emotional distress to a vulnerable person, as defined in section

- 8 630.005. The result of the conduct shall be such as would cause a vulnerable  
9 person, as defined in section 630.005, to suffer substantial emotional distress; or  
10 (3) Purposely or knowingly places a vulnerable person, as defined in  
11 section 630.005, in apprehension of immediate physical injury; or  
12 (4) Intentionally fails to provide care, goods or services to a vulnerable  
13 person, as defined in section 630.005. The result of the conduct shall be such as  
14 would cause a vulnerable person, as defined in section 630.005, to suffer physical  
15 or emotional distress; or  
16 (5) Knowingly acts or knowingly fails to act with malice in a manner that  
17 results in a grave risk to the life, body or health of a vulnerable person, as defined  
18 in section 630.005; or  
19 (6) Is a person who is a vendor, provider, agent, or employee of a  
20 department operated, funded, licensed, or certified program and engages in sexual  
21 contact, as defined by subdivision (3) of section 566.010, or sexual intercourse,  
22 as defined by subdivision (4) of section 566.010, with a vulnerable person.  
23 2. Vulnerable person abuse in the third degree is a class A misdemeanor.  
24 3. Actions done in good faith and without gross negligence that are  
25 designed to protect the safety of the individual and the safety of others, or are  
26 provided within accepted standards of care and treatment, shall not be considered  
27 as abuse of a vulnerable person as defined in this section.  
28 4. Nothing in this section shall be construed to mean that a vulnerable  
29 person is abused solely because such person chooses to rely on spiritual means  
30 through prayer, in lieu of medical care, for his or her health care, as evidenced by  
31 the vulnerable person's explicit consent, advance directive for health care, or  
32 practice.]  
33

- 2 [565.250. As used in sections 565.250 to 565.257, the following terms  
3 mean:  
4 (1) "Full or partial nudity", the showing of all or any part of the human  
5 genitals or pubic area or buttock, or any part of the nipple of the breast of any  
6 female person, with less than a fully opaque covering;  
7 (2) "Photographs" or "films", the making of any photograph, motion  
8 picture film, videotape, or any other recording or transmission of the image of a  
9 person;  
10 (3) "Place where a person would have a reasonable expectation of  
11 privacy", any place where a reasonable person would believe that a person could  
12 disrobe in privacy, without being concerned that the person's undressing was  
13 being viewed, photographed or filmed by another;  
14 (4) "Prior invasion of privacy offender", a person who previously has  
15 pleaded or been found guilty of the crime of invasion of privacy;  
16 (5) "Same course of conduct", more than one person has been filmed in  
17 full or partial nudity under the same or similar circumstances pursuant to one  
scheme or course of conduct, whether at the same or different times;

18 (6) "Views", the looking upon of another person, with the unaided eye  
19 or with any device designed or intended to improve visual acuity, for the purpose  
20 of arousing or gratifying the sexual desire of any person.]  
21

[565.253. 1. A person commits the crime of invasion of privacy in the  
2 second degree if:

3 (1) Such person knowingly views, photographs or films another person,  
4 without that person's knowledge and consent, while the person being viewed,  
5 photographed or filmed is in a state of full or partial nudity and is in a place  
6 where one would have a reasonable expectation of privacy; or

7 (2) Such person knowingly uses a concealed camcorder or photographic  
8 camera of any type to secretly videotape, photograph, or record by electronic  
9 means another person under or through the clothing worn by that other person for  
10 the purpose of viewing the body of or the undergarments worn by that other  
11 person without that person's consent.

12 2. Invasion of privacy in the second degree pursuant to subdivision (1)  
13 of subsection 1 of this section is a class A misdemeanor; unless more than one  
14 person is viewed, photographed or filmed in full or partial nudity in violation of  
15 sections 565.250 to 565.257 during the same course of conduct, in which case  
16 invasion of privacy is a class D felony; and unless committed by a person who  
17 has previously pled guilty to or been found guilty of invasion of privacy, in which  
18 case invasion of privacy is a class D felony. Invasion of privacy in the second  
19 degree pursuant to subdivision (2) of subsection 1 of this section is a class A  
20 misdemeanor; unless more than one person is secretly videotaped, photographed  
21 or recorded in violation of sections 565.250 to 565.257 during the same course  
22 of conduct, in which case invasion of privacy is a class D felony; and unless  
23 committed by a person who has previously pled guilty to or been found guilty of  
24 invasion of privacy, in which case invasion of privacy is a class C felony. Prior  
25 pleas or findings of guilt shall be pled and proven in the same manner required  
26 by the provisions of section 558.021.]  
27

[566.025. In prosecutions pursuant to this chapter or chapter 568 of a  
2 sexual nature involving a victim under fourteen years of age, whether or not age  
3 is an element of the crime for which the defendant is on trial, evidence that the  
4 defendant has committed other charged or uncharged crimes of a sexual nature  
5 involving victims under fourteen years of age shall be admissible for the purpose  
6 of showing the propensity of the defendant to commit the crime or crimes with  
7 which he or she is charged unless the trial court finds that the probative value of  
8 such evidence is outweighed by the prejudicial effect.]  
9

[566.140. 1. Any person who has pleaded guilty to or been found guilty  
2 of violating the provisions of this chapter and is granted a suspended imposition  
3 or execution of sentence or placed under the supervision of the board of  
4 probation and parole shall be required to participate in and successfully complete  
5 a program of treatment, education and rehabilitation designed for perpetrators of

sexual offenses. Persons required to attend a program pursuant to this section may be charged a reasonable fee to cover the costs of such program.

2. No person who provides assessment services or who makes a report, finding, or recommendation for any probationer to attend any counseling or program of treatment, education or rehabilitation as a condition or requirement of probation, following the probationer's plea of guilty to or a finding of guilt of violating any provision of this chapter or chapter 565, may be related within the third degree of consanguinity or affinity to any person who has a financial interest, whether direct or indirect, in the counseling or program of treatment, education or rehabilitation or any financial interest, whether direct or indirect, in any private entity which provides the counseling or program of treatment, education or rehabilitation. Any person who violates this subsection shall thereafter:

(1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation;

(2) Be prohibited from providing assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state board of probation and parole or any office thereof; and

(3) Be prohibited from having any financial interest, whether direct or indirect, in any private entity which provides assessment or counseling services or any program of treatment, education or rehabilitation to, for, on behalf of, at the direction of, or in contract with the state board of probation and parole or any office thereof.

3. The provisions of subsection 2 of this section shall not apply when the department of corrections has identified only one qualified service provider within reasonably accessible distance from the offender or when the only providers available within a reasonable distance are related within the third degree of consanguinity or affinity to any person who has a financial interest in the service provider.]

[566.141. Any person who is convicted of or pleads guilty or nolo contendere to any sexual offense involving a child shall be required as a condition of probation or parole to be involved in and successfully complete an appropriate treatment program. Any person involved in such a program shall be required to follow all directives of the treatment program provider.]

[567.040. In any prosecution for prostitution or patronizing a prostitute, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that

(1) Both persons were of the same sex; or

(2) The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.]

[568.100. 1. When it becomes necessary for the purposes of section 568.060, 568.080 or 568.090 to determine whether a child who participated in a sexual performance was younger than seventeen years of age, the court or jury may make this determination by any of the following methods:

- (1) Personal inspection of the child;
- (2) Inspection of the photograph or motion picture that shows the child engaging in the sexual performance;
- (3) Oral testimony by a witness to the sexual performance as to the age of the child based on the child's appearance at the time;
- (4) Expert medical testimony based on the appearance of the child engaging in the sexual performance; or
- (5) Any other method authorized by law or by the rules of evidence.

2. When it becomes necessary for the purposes of section 568.060, 568.080 or 568.090 to determine whether a child who participated in the sexual conduct consented to the conduct, the term "consent" shall have the meaning given it in section 556.061.

3. Upon request of the prosecuting attorney, the court may order that the child's testimony be videotaped pursuant to section 492.303 or as otherwise provided by law.]

[568.120. 1. Any person who has pleaded guilty to or been found guilty of violating the provisions of section 568.020, 568.060, 568.080 or 568.090, and who is granted a suspended imposition or execution of sentence, or placed under the supervision of the board of probation and parole, shall be required to participate in an appropriate program of treatment, education and rehabilitation. Persons required to attend a program pursuant to this section may be charged a reasonable fee to cover the costs of such program.

2. Notwithstanding other provisions of law to the contrary, any person who has previously pleaded guilty to or been found guilty of violating the provisions of sections 568.020, 568.060, 568.080 and 568.090, and who subsequently pleads guilty or is found guilty of violating any one of the foregoing sections, shall not be granted a suspended imposition of sentence, a suspended execution of sentence, nor probation by the circuit court for the subsequent offense.]

[569.025. 1. A person commits the crime of pharmacy robbery in the first degree when he forcibly steals any controlled substance from a pharmacy and in the course thereof he, or another participant in the crime:

- (1) Causes serious physical injury to any person;
- (2) Is armed with a deadly weapon;
- (3) Uses or threatens the immediate use of a dangerous instrument against any person; or
- (4) Displays or threatens the use of what appears to be a deadly weapon or dangerous instrument.

2. For purposes of this section the following terms mean:

(1) "Controlled substance", a drug, substance or immediate precursor in schedules I through V as defined in sections 195.005 to 195.425;

(2) "Pharmacy", any building, warehouse, physician's office, hospital, pharmaceutical house or other structure used in whole or in part for the sale, storage or dispensing of any controlled substance as defined by sections 195.005 to 195.425.

3. Pharmacy robbery in the first degree is a class A felony, but, notwithstanding any other provision of law, a person convicted pursuant to this section shall not be eligible for suspended execution of sentence, parole or conditional release until having served a minimum of ten years of imprisonment.]

[569.035. 1. A person commits the crime of pharmacy robbery in the second degree when he forcibly steals any controlled substance from a pharmacy.

2. For purposes of this section the following terms mean:

(1) "Controlled substance", a drug, substance or immediate precursor in schedules I through V as defined in sections 195.005 to 195.425;

(2) "Pharmacy", any building, warehouse, physician's office, hospital, pharmaceutical house or other structure used in whole or in part for the sale, storage or dispensing of any controlled substance as defined by sections 195.005 to 195.425.

3. Pharmacy robbery in the second degree is a class B felony, but, notwithstanding any other provision of law, a person convicted pursuant to this section shall not be eligible for suspended execution of sentence, parole or conditional release until having served a minimum of five years of imprisonment.]

[569.067. 1. A person commits the crime of negligently setting fire to a woodland, cropland, grassland, prairie or marsh when he with criminal negligence causes damage to a woodland, cropland, grassland, prairie or marsh of another by starting a fire.

2. A person commits the crime of negligently allowing a fire to escape when he with criminal negligence allows a fire burning on lands in his possession or control to escape onto property of another.

3. Negligently setting fire to a woodland, cropland, grassland, prairie or marsh or negligently allowing a fire to escape is a class B misdemeanor.]

[569.094. In a prosecution under sections 569.095 to 569.099, computer printouts shall be competent evidence of any computer software, program, or data contained in or taken from a computer, computer system, or computer network.]

[570.033. Any person who, without lawful authority, willfully takes another's animal with the intent to deprive him of his property is guilty of a class D felony.]

2 [570.040. 1. Every person who has previously pled guilty to or been  
3 found guilty of two stealing-related offenses committed on two separate  
4 occasions where such offenses occurred within ten years of the date of occurrence  
5 of the present offense and who subsequently pleads guilty or is found guilty of  
6 a stealing-related offense is guilty of a class D felony, unless the subsequent plea  
7 or guilty verdict is pursuant to paragraph (a) of subdivision (3) of subsection 3  
8 of section 570.030, in which case the person shall be guilty of a class B felony,  
9 and shall be punished accordingly.

10 2. As used in this section, the term "stealing-related offense" shall  
11 include federal and state violations of criminal statutes against stealing, robbery,  
12 or buying or receiving stolen property and shall also include municipal  
13 ordinances against same if the defendant was either represented by counsel or  
14 knowingly waived counsel in writing and the judge accepting the plea or making  
15 the findings was a licensed attorney at the time of the court proceedings. 3 .  
16 Evidence of prior guilty pleas or findings of guilt shall be heard by the court, out  
17 of the hearing of the jury, prior to the submission of the case to the jury, and the  
18 court shall determine the existence of the prior guilty pleas or findings of guilt.]

2 [570.050. Amounts stolen pursuant to one scheme or course of conduct,  
3 whether from the same or several owners and whether at the same or different  
4 times, constitute a single criminal episode and may be aggregated in determining  
5 the grade of the offense.]

2 [570.055. Any person who steals or appropriates, without consent of the  
3 owner, any wire, electrical transformer, metallic wire associated with transmitting  
4 telecommunications, or any other device or pipe that is associated with  
5 conducting electricity or transporting natural gas or other combustible fuels shall  
6 be guilty of a class C felony.]

2 [570.080. 1. A person commits the crime of receiving stolen property if  
3 for the purpose of depriving the owner of a lawful interest therein, he or she  
4 receives, retains or disposes of property of another knowing that it has been  
5 stolen, or believing that it has been stolen.

6 2. Evidence of the following is admissible in any criminal prosecution  
7 pursuant to this section to prove the requisite knowledge or belief of the alleged  
8 receiver:

9 (1) That he or she was found in possession or control of other property  
10 stolen on separate occasions from two or more persons;

11 (2) That he or she received other stolen property in another transaction  
12 within the year preceding the transaction charged;

13 (3) That he or she acquired the stolen property for a consideration which  
14 he or she knew was far below its reasonable value;

15 (4) That he or she obtained control over stolen property knowing the  
16 property to have been stolen or under such circumstances as would reasonably  
induce a person to believe the property was stolen.

17           3. Except as otherwise provided in subsections 4 and 5 of this section,  
18 receiving stolen property is a class A misdemeanor.

19           4. Receiving stolen property is a class C felony if:

20           (1) The value of the property or services appropriated is five hundred  
21 dollars or more but less than twenty-five thousand dollars;

22           (2) The property has been physically taken from the person of the victim;  
23 or

24           (3) The property appropriated includes:

25           (a) Any motor vehicle, watercraft, or aircraft;

26           (b) Any will or unrecorded deed affecting real property;

27           (c) Any credit card or letter of credit;

28           (d) Any firearm;

29           (e) Any explosive weapon as that term is defined in section 571.010;

30           (f) A United States national flag designed, intended, and used for display  
31 on buildings or stationary flagstaffs in the open;

32           (g) Any original copy of an act, bill, or resolution, introduced or acted  
33 upon by the legislature of the state of Missouri;

34           (h) Any pleading, notice, judgment, or any other record or entry of any  
35 court of this state, any other state, or of the United States;

36           (i) Any book of registration or list of voters required by chapter 115;

37           (j) Any animal considered livestock as that term is defined in section  
38 144.010;

39           (k) Any live fish raised for commercial sale with a value of seventy-five  
40 dollars or more;

41           (l) Any captive wildlife held under permit issued by the conservation  
42 commission;

43           (m) Any controlled substance as that term is defined in section 195.010;

44           (n) Anhydrous ammonia;

45           (o) Ammonium nitrate; or

46           (p) Any document of historical significance which has a fair market value  
47 of five hundred dollars or more.

48           5. The receipt of any item of property or services pursuant to subsection  
49 4 of this section which exceeds five hundred dollars may be considered a separate  
50 felony and may be charged in separate counts.

51           6. Any person who previously has been found guilty of, or pled guilty to,  
52 receiving stolen property, when the property is of the kind described under  
53 paragraph (j) or (l) of subdivision (3) of subsection 4 of this section and the value  
54 of the animal or animals received exceeds three thousand dollars, is guilty of a  
55 class B felony. Such person shall serve a minimum prison term of not less than  
56 eighty percent of his or her sentence before being eligible for probation, parole,  
57 conditional release, or other early release by the department of corrections.

58           7. Receiving stolen property is a class B felony if the value of the  
59 property or services equals or exceeds twenty-five thousand dollars.]  
60

[570.155. 1. It shall be unlawful:



2 (1) For any person to give, promise or offer to any professional or  
3 amateur baseball, football, hockey, polo, tennis or basketball player or boxer or  
4 any player who participates or expects to participate in any professional or  
5 amateur game or sport or any jockey, driver, groom or any person participating  
6 or expecting to participate in any horse race, including owners of race tracks and  
7 their employees, stewards, trainers, judges, starters or special policemen, or to  
8 any manager, coach or trainer of any team or participant or prospective  
9 participant in any such game, contest or sport, any valuable thing with intent to  
10 influence him to lose or try to lose or cause to be lost or to limit his or his team's  
11 margin of victory in a baseball, football, hockey or basketball game, boxing,  
12 tennis or polo match or a horse race or any professional or amateur sport, or  
13 game, in which such player or participant or jockey or driver, is taking part or  
14 expects to take part, or has any duty or connection therewith;

15 (2) For any professional or amateur baseball, football, hockey, basketball,  
16 tennis or polo player, boxer, or jockey, driver, or groom or participant or  
17 prospective participant in any sport or game, or manager, coach or trainer of any  
18 team or individual participant or prospective participant in any such game,  
19 contest or sport to accept, attempt to obtain, or to solicit any valuable thing to  
20 influence him to lose or try to lose or cause to be lost or to limit his or his team's  
21 margin of victory in a baseball, football, hockey or basketball game or boxing,  
22 tennis, or polo match, or horse race or any game or sport in which he is taking  
23 part, or expects to take part, or has any duty or connection therewith.

24 2. (1) Any person violating the provisions of subdivision (1) of  
25 subsection 1 shall be deemed guilty of a felony, and, upon conviction thereof,  
26 shall be punished by imprisonment in the penitentiary for a term of not to exceed  
27 ten years or by imprisonment in the county jail for a period not to exceed one  
28 year, or by a fine not to exceed ten thousand dollars or by both such fine and  
29 imprisonment;

30 (2) Any person violating the provisions of subdivision (2) of subsection  
31 1 shall be deemed guilty of a misdemeanor.]  
32

[570.160. 1. A person commits the crime of false advertising if, in  
2 connection with the promotion of the sale of, or to increase the consumption of,  
3 property or services, he recklessly makes or causes to be made a false or  
4 misleading statement in any advertisement addressed to the public or to a  
5 substantial number of persons.

6 2. False advertising is a class A misdemeanor.]  
7

[570.170. 1. A person commits the crime of bait advertising if he  
2 advertises in any manner the sale of property or services with the purpose not to  
3 sell or provide the property or services:

4 (1) At the price which he offered them; or

5 (2) In a quantity sufficient to meet the reasonably expected public  
6 demand, unless the quantity is specifically stated in the advertisement; or

7 (3) At all.

8                   2. Bait advertising is a class A misdemeanor.]  
9

2                   [570.190. 1. A person commits the crime of telephone service fraud if  
3 the person by deceit obtains or attempts to obtain telephone service without  
4 paying the lawful charge, except that it shall not be unlawful for a person to  
5 purchase, rent or use telephones or telephone receiving equipment acquired from  
6 a lawful source, other than the telephone utility certified to serve the area in  
7 which such person resides.

8                   2. A person commits the crime of electronic telephone fraud if the person  
9 knowingly

10                   (1) Uses, in connection with the making or receiving of a telephone call;  
11 or

12                   (2) Has possession of; or

13                   (3) Transfers possession or causes the transfer of possession to another;  
14 or

15                   (4) Makes or assembles; an electronic or mechanical device which, when  
16 used in connection with a telephone call, will cause the billing system of a  
17 telephone company to record incorrectly, or omit to record correctly, any fact by  
18 which the person responsible for paying the charge for a telephone call is  
19 determined.

20                   3. Venue for trial shall be as follows:

21                   (1) An offense under subsection 1 and subdivision (1) of subsection 2  
22 which involves the placing of telephone calls may be deemed to have been  
23 committed at either the place at which the telephone calls were made, or at the  
24 place where the telephone calls were received.

25                   (2) An offense under subdivisions (2), (3) and (4) of subsection 2 may be  
26 deemed to have been committed where the device was found, or at the place  
27 where the device was transferred or fabricated.

28                   4. (1) An offense under subsection 1 shall be punished by a fine not to  
29 exceed five hundred dollars or by confinement in jail for not more than six  
30 months, or both; except that if the telephone charges avoided or attempted to be  
31 avoided pursuant to one scheme or course of conduct exceed fifty dollars, the  
32 offense shall be punished by a fine of not more than one thousand dollars, or by  
33 confinement in jail for not more than one year, or both.

34                   (2) An offense under subdivisions (1) through (5) of subsection 2 shall  
35 be punished by a fine of not more than one thousand dollars, confinement in jail  
36 for not more than one year, or both; except that if defendant received  
37 consideration from another as a consequence of the use, transfer, or fabrication  
38 of the device, the offense shall be punished as provided in subdivision (3) of  
39 subsection 4.

40                   (3) If the defendant has been convicted previously of an offense under  
41 this section or of an offense under the laws of another state of the United States  
42 which would have been an offense under this section if committed in this state,  
then the offense shall be punished by a fine of not more than five thousand

dollars or by imprisonment by the department of corrections and human resources for not less than two nor more than five years, or both.

5. A search warrant shall be issued by any court of competent jurisdiction upon a finding of probable cause to believe an instrument or device described in subsections 1 and 2 is housed in a particular structure, vehicle or upon the person.]

[570.200. As used in this act, unless the context clearly indicates otherwise, the following terms shall mean:

(1) "Library", any public library or any library of an educational, historical or eleemosynary institution, organization or society; any museum; any repository of public or institutional records; or any archive;

(2) "Library card", a card or other device utilized by a library for purposes of identifying a person authorized to borrow library material, subject to all limitations and conditions imposed on such borrowing by the library issuing or honoring such card;

(3) "Library material", any book, plate, picture, photograph, engraving, painting, sculpture, artifact, drawing, map, newspaper, microform, sound recording, audiovisual material, magnetic or other tape, electronic data processing record or other document, written or printed material, regardless of physical form or characteristic, which is a constituent element of a library's collection or any part thereof, belonging to, on loan to, or otherwise in the custody of a library;

(4) "Notice in writing", any notice deposited as certified or registered mail in the United States mail and addressed to the person at his address as it appears on the library card or to his last known address. The notice shall contain a statement that failure to return the library material within ten days of receipt of the notice may subject the user to criminal prosecution;

(5) "Premises of a library", a building structure or other enclosure in which a library is located or in which the library keeps, displays and makes available for inspection, borrowing or return of library materials.]

[570.210. 1. A person commits the crime of library theft if with the purpose to deprive, such person:

(1) Knowingly removes any library material from the premises of a library without authorization; or

(2) Borrows or attempts to borrow any library material from a library by use of a library card:

(a) Without the consent of the person to whom it was issued; or

(b) Knowing that the library card is revoked, canceled or expired; or

(c) Knowing that the library card is falsely made, counterfeit or materially altered; or

(3) Borrows library material from any library pursuant to an agreement or procedure established by the library which requires the return of such library material and, with the purpose to deprive the library of the library material, fails to return the library material to the library; or

15 (4) Knowingly writes on, injures, defaces, tears, cuts, mutilates, or  
16 destroys a book, document, or other library material belonging to, on loan to, or  
17 otherwise in the custody of a library.

18 2. It shall be prima facie evidence of the person's purpose to deprive the  
19 library of the library materials if, within ten days after notice in writing deposited  
20 as certified mail from the library demanding the return of such library material,  
21 such person without good cause shown fails to return the library material. A  
22 person is presumed to have received the notice required by this subsection if the  
23 library mails such notice to the last address provided to the library by such  
24 person. Payment to the library, in an amount equal to the fair market value of an  
25 item of no historical significance shall be considered returning the item for  
26 purposes of this subsection.

27 3. The crime of library theft is a class C misdemeanor if the value of the  
28 library materials is less than five hundred dollars. The crime of library theft is a  
29 class C felony if the value of the library material is between five hundred dollars  
30 and twenty-five thousand dollars. The crime of library theft is a class B felony  
31 if the value of the library material is greater than twenty-five thousand dollars.]  
32

2 [570.215. Any librarian, his agent or employee, who has reasonable  
3 grounds to believe that a person on the premises of the library has committed or  
4 is about to commit the crime of library theft, may detain such person in a  
5 reasonable manner and for a reasonable length of time for the purpose of  
6 investigating whether there has been or may be a wrongful taking of such library  
7 material. Any such reasonable detention shall not constitute an unlawful arrest  
8 or detention, nor shall it render the librarian, his agent or employee criminally or  
9 civilly liable to the person so detained.]

2 [570.226. No person shall, without the consent of the owner, transfer or  
3 cause to be transferred to any phonograph record, disc, wire, tape, film,  
4 videocassette, or other article or medium now known or later developed on which  
5 sounds or images are recorded or otherwise stored, any performance whether live  
6 before an audience or transmitted by wire or through the air by radio or  
7 television, with the intent to sell or cause to be sold for profit.]

2 [570.230. No person shall advertise, or offer for sale, resale, or sell or  
3 resell, or cause to be sold, resold or process for such purposes any article that has  
4 been produced in violation of the provisions of section 570.225 or 570.226,  
5 knowing, or having reasonable grounds to know, that the sounds thereon have  
6 been so transferred without the consent of the owner.]

2 [570.235. As used in sections 570.225 to 570.255, the following terms  
3 mean:

4 (1) "Audiovisual works", works that consist of a series of related images  
which are intrinsically intended to be shown by the use of machines, electronic

5 equipment or other devices, now known or later developed, together with  
6 accompanying sounds, if any;

7 (2) "Manufacturer", the person who transfers or causes to be transferred  
8 any sounds or images to the particular article, medium, recording or other  
9 physical embodiment of such sounds or images then in issue;

10 (3) "Motion pictures", audiovisual works consisting of a series of related  
11 images which, when shown in succession, impart an impression of motion,  
12 together with accompanying sounds, if any;

13 (4) "Owner", the person who owns the sounds of any performance not yet  
14 fixed in a medium of expression, or the original fixation of sounds embodied in  
15 the master phonograph record, master disc, master tape, master film, master  
16 videocassette, or other device or medium now known or later developed, used for  
17 reproducing sounds on phonograph records, discs, tapes, films, videocassettes,  
18 or other articles or medium upon which sound is or may be recorded, and from  
19 which the transferred recorded sounds are directly or indirectly derived;

20 (5) "Person", any natural person, corporation or other business entity.]  
21

2 [570.240. The label, cover, box or jacket on all phonograph records,  
3 discs, wires, tapes, films, videocassettes or other articles or medium now known  
4 or later developed on which sounds or images are recorded shall contain thereon  
5 in clearly readable print the name and address of the manufacturer.]

2 [570.241. No person shall advertise, or offer for rental, sale, resale, or  
3 rent, sell, resell, or cause to be sold, resold, or possess for such purposes any  
4 article that has been produced in violation of the provisions of section 570.240,  
5 knowing, or having reasonable grounds to know, that the article has been  
6 produced in violation of the provisions of section 570.240.]

2 [570.245. Sections 570.225 to 570.255 do not apply to:

3 (1) Any radio or television broadcaster who transfers any such sounds as  
4 part of or in connection with a radio or television broadcast transmission or for  
5 archival preservation;

6 (2) Any person transferring any such sounds at home for his personal use  
7 without any compensation being derived by such person or any other person from  
8 such transfer;

9 (3) Any cable television company that transfers any such sounds as part  
10 of its regular cable television service.]

2 [570.255. 1. Any person guilty of a violation of sections 570.225 to  
3 570.255 is punishable as follows:

4 (1) For the first offense of a violation of sections 570.225 to 570.241  
5 which is not a felony under subdivision (2) of this subsection, such person is  
6 guilty of a misdemeanor, and upon conviction shall be punished by a fine not  
7 exceeding five thousand dollars, or by confinement in the county jail not  
8 exceeding six months, or by both such fine and confinement.

8 (2) For any offense of a violation of section 570.240 or 570.241  
9 involving one hundred or more articles upon which motion pictures or  
10 audiovisual works are recorded, or any other violation of section 570.225 to  
11 570.241 involving one hundred or more articles, such person is guilty of a felony  
12 and, upon conviction, shall be punished by a fine not exceeding fifty thousand  
13 dollars, or by imprisonment by the department of corrections for not more than  
14 five years, or by both such fine and imprisonment.

15 (3) For the second and subsequent violations of sections 570.225 to  
16 570.255, such person is guilty of a felony and, upon conviction, shall be punished  
17 by a fine not exceeding one hundred thousand dollars, or by imprisonment by the  
18 department of corrections for not less than two years nor more than five years, or  
19 by both such fine and imprisonment.

20 2. If a person is convicted of any violation of sections 570.225 to  
21 570.255, the court in its judgment of conviction may order the forfeiture and  
22 destruction or other disposition of all unlawful recordings and all implements,  
23 devices and equipment used or intended to be used in the manufacture of the  
24 unlawful recordings. The court may enter an order preserving such recordings  
25 and all implements, devices and equipment as evidence for use in other cases or  
26 pending in the final determination of an appeal. The provisions of this subsection  
27 shall not be construed to allow an order to destroy any such implements, devices,  
28 or equipment used or intended to be used in such manufacture subject to any  
29 valid lien or rights under any security agreement or title retention contract when  
30 the holder thereof is an innocent party.

31 3. The penalties provided under sections 570.225 to 570.255 are not  
32 exclusive and are in addition to any other penalties provided by law.]  
33

2 [571.017. Nothing contained in any other provision of law, except as  
3 provided in subsection 4 of section 571.015, shall prevent imposition of  
4 sentences for both armed criminal action and the crime committed by, with, or  
5 through the use, assistance, or aid of a dangerous instrument or deadly weapon.]

2 [571.030. 1. A person commits the crime of unlawful use of weapons if  
3 he or she knowingly:

4 (1) Carries concealed upon or about his or her person a knife, a firearm,  
5 a blackjack or any other weapon readily capable of lethal use; or

6 (2) Sets a spring gun; or

7 (3) Discharges or shoots a firearm into a dwelling house, a railroad train,  
8 boat, aircraft, or motor vehicle as defined in section 302.010, or any building or  
9 structure used for the assembling of people; or

10 (4) Exhibits, in the presence of one or more persons, any weapon readily  
11 capable of lethal use in an angry or threatening manner; or

12 (5) Has a firearm or projectile weapon readily capable of lethal use on his  
13 or her person, while he or she is intoxicated, and handles or otherwise uses such  
14 firearm or projectile weapon in either a negligent or unlawful manner or  
discharges such firearm or projectile weapon unless acting in self-defense;

15 (6) Discharges a firearm within one hundred yards of any occupied  
16 schoolhouse, courthouse, or church building; or

17 (7) Discharges or shoots a firearm at a mark, at any object, or at random,  
18 on, along or across a public highway or discharges or shoots a firearm into any  
19 outbuilding; or

20 (8) Carries a firearm or any other weapon readily capable of lethal use  
21 into any church or place where people have assembled for worship, or into any  
22 election precinct on any election day, or into any building owned or occupied by  
23 any agency of the federal government, state government, or political subdivision  
24 thereof; or

25 (9) Discharges or shoots a firearm at or from a motor vehicle, as defined  
26 in section 301.010, discharges or shoots a firearm at any person, or at any other  
27 motor vehicle, or at any building or habitable structure, unless the person was  
28 lawfully acting in self-defense; or

29 (10) Carries a firearm, whether loaded or unloaded, or any other weapon  
30 readily capable of lethal use into any school, onto any school bus, or onto the  
31 premises of any function or activity sponsored or sanctioned by school officials  
32 or the district school board.

33 2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not  
34 apply to the persons described in this subsection, regardless of whether such uses  
35 are reasonably associated with or are necessary to the fulfillment of such person's  
36 official duties except as otherwise provided in this subsection. Subdivisions (3),  
37 (4), (6), (7), and (9) of subsection 1 of this section shall not apply to or affect any  
38 of the following persons, when such uses are reasonably associated with or are  
39 necessary to the fulfillment of such person's official duties, except as otherwise  
40 provided in this subsection:

41 (1) All state, county and municipal peace officers who have completed  
42 the training required by the police officer standards and training commission  
43 pursuant to sections 590.030 to 590.050 and who possess the duty and power of  
44 arrest for violation of the general criminal laws of the state or for violation of  
45 ordinances of counties or municipalities of the state, whether such officers are on  
46 or off duty, and whether such officers are within or outside of the law  
47 enforcement agency's jurisdiction, or all qualified retired peace officers, as  
48 defined in subsection 11 of this section, and who carry the identification defined  
49 in subsection 12 of this section, or any person summoned by such officers to  
50 assist in making arrests or preserving the peace while actually engaged in  
51 assisting such officer;

52 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails  
53 and other institutions for the detention of persons accused or convicted of crime;

54 (3) Members of the armed forces or national guard while performing  
55 their official duty;

56 (4) Those persons vested by article V, section 1 of the Constitution of  
57 Missouri with the judicial power of the state and those persons vested by Article  
58 III of the Constitution of the United States with the judicial power of the United  
59 States, the members of the federal judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921 regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;

(7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under section 84.340;

(9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;

(10) Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney who has completed the firearms safety training course required under subsection 2 of section 571.111; and

(11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement under section 571.111 when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to sections 571.101 to 571.121 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031.

6. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC



courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

7. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision (6), (7), or (8) of subsection 1 of this section, in which cases it is a class B misdemeanor, or subdivision (5) or (10) of subsection 1 of this section, in which case it is a class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or subdivision (9) of subsection 1 of this section, in which case it is a class B felony, except that if the violation of subdivision (9) of subsection 1 of this section results in injury or death to another person, it is a class A felony.

8. Violations of subdivision (9) of subsection 1 of this section shall be punished as follows:

(1) For the first violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony;

(2) For any violation by a prior offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation or conditional release for a term of ten years;

(3) For any violation by a persistent offender as defined in section 558.016, a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony without the possibility of parole, probation, or conditional release;

(4) For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a class A felony.

9. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.

10. Notwithstanding any other provision of law, no person who pleads guilty to or is found guilty of a felony violation of subsection 1 of this section shall receive a suspended imposition of sentence if such person has previously received a suspended imposition of sentence for any other firearms- or weapons-related felony offense.

11. As used in this section "qualified retired peace officer" means an individual who:

(1) Retired in good standing from service with a public agency as a peace officer, other than for reasons of mental instability;

(2) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;

(3) Before such retirement, was regularly employed as a peace officer for an aggregate of fifteen years or more, or retired from service with such agency,

after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;

(4) Has a nonforfeitable right to benefits under the retirement plan of the agency if such a plan is available;

(5) During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active peace officers to carry firearms;

(6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(7) Is not prohibited by federal law from receiving a firearm.

12. The identification required by subdivision (1) of subsection 2 of this section is:

(1) A photographic identification issued by the agency from which the individual retired from service as a peace officer that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or

(2) A photographic identification issued by the agency from which the individual retired from service as a peace officer; and

(3) A certification issued by the state in which the individual resides that indicates that the individual has, not less recently than one year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the state to meet the standards established by the state for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm.]

[571.072. 1. A person commits the crime of unlawful possession of an explosive weapon if he or she has any explosive weapon in his or her possession and:

(1) He or she has pled guilty to or has been convicted of a dangerous felony, as defined in section 556.061, or of an attempt to commit a dangerous felony, or of a crime under the laws of any state or of the United States which, if committed within this state, would be a dangerous felony, or confined therefor in this state or elsewhere during the five-year period immediately preceding the date of such possession; or

(2) He or she is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

2. Unlawful possession of an explosive weapon is a class C felony.]

[571.080. A person commits the crime of transfer of a concealable firearm if such person violates 18 U.S.C. Section 922(b) or 18 U.S.C. Section 922(x).]

2 [571.102. The repeal and reenactment of sections 302.181 and 571.101  
3 shall become effective on the date the director of the department of revenue  
4 begins to issue nondriver licenses with conceal carry endorsements that expire  
5 three years from the dates the certificates of qualification were issued, or on  
6 January 1, 2013, whichever occurs first. If the director of revenue begins issuing  
7 nondriver licenses with conceal carry endorsements that expire three years from  
8 the dates the certificates of qualification were issued under the authority granted  
9 under sections 302.181 and 571.101 prior to January 1, 2013, the director of the  
10 department of revenue shall notify the revisor of statutes of such fact.]

2 [573.013. In the course of a criminal investigation under this chapter,  
3 when the venue of the alleged criminal conduct cannot be readily determined  
4 without further investigation, the attorney general may request the prosecuting  
5 attorney of Cole County to request a circuit or associate circuit judge of Cole  
6 County to issue a subpoena to any witness who may have information for the  
7 purpose of oral examination under oath or to require access to data or the  
8 production of books, papers, records, or other material of evidentiary nature at the  
9 office of the attorney general. If, upon review of the evidence produced pursuant  
10 to the subpoenas, it appears that a violation of this chapter may have been  
11 committed, the attorney general shall provide the evidence produced pursuant to  
12 subpoena to an appropriate county prosecuting attorney or circuit attorney having  
13 venue over the criminal offense.]

2 [573.500. As used in sections 573.500 to 573.507, the following terms  
3 mean:

- 4 (1) "Adult cabaret", a nightclub, bar, restaurant, or similar establishment  
5 in which persons appear in a state of nudity in the performance of their duties;  
6 (2) "Nudity", the showing of either:  
7 (a) The human male or female genitals or pubic area with less than a fully  
8 opaque covering; or  
9 (b) The female breast with less than a fully opaque covering on any part  
10 of the nipple.]

2 [573.528. For purposes of sections 573.525 to 573.537, the following  
3 terms shall mean:

- 4 (1) "Adult bookstore" or "adult video store", a commercial establishment  
5 which, as one of its principal business activities, offers for sale or rental for any  
6 form of consideration any one or more of the following: books, magazines,  
7 periodicals, or other printed matter, or photographs, films, motion pictures, video  
8 cassettes, compact discs, digital video discs, slides, or other visual representations  
9 which are characterized by their emphasis upon the display of specified sexual  
10 activities or specified anatomical areas. A "principal business activity" exists  
11 where the commercial establishment:  
12 (a) Has a substantial portion of its displayed merchandise which consists  
of such items; or

13 (b) Has a substantial portion of the wholesale value of its displayed  
14 merchandise which consists of such items; or

15 (c) Has a substantial portion of the retail value of its displayed  
16 merchandise which consists of such items; or

17 (d) Derives a substantial portion of its revenues from the sale or rental,  
18 for any form of consideration, of such items; or

19 (e) Maintains a substantial section of its interior business space for the  
20 sale or rental of such items; or

21 (f) Maintains an adult arcade. "Adult arcade" means any place to which  
22 the public is permitted or invited wherein coin-operated or slug-operated or  
23 electronically, electrically, or mechanically controlled still or motion picture  
24 machines, projectors, or other image-producing devices are regularly maintained  
25 to show images to five or fewer persons per machine at any one time, and where  
26 the images so displayed are characterized by their emphasis upon matter  
27 exhibiting specified sexual activities or specified anatomical areas;

28 (2) "Adult cabaret", a nightclub, bar, juice bar, restaurant, bottle club, or  
29 other commercial establishment, regardless of whether alcoholic beverages are  
30 served, which regularly features persons who appear semi-nude;

31 (3) "Adult motion picture theater", a commercial establishment where  
32 films, motion pictures, video cassettes, slides, or similar photographic  
33 reproductions, which are characterized by their emphasis upon the display of  
34 specified sexual activities or specified anatomical areas are regularly shown to  
35 more than five persons for any form of consideration;

36 (4) "Characterized by", describing the essential character or dominant  
37 theme of an item;

38 (5) "Employ", "employee", or "employment", describe and pertain to any  
39 person who performs any service on the premises of a sexually oriented business,  
40 on a full-time, part-time, or contract basis, whether or not the person is  
41 denominated an employee, independent contractor, agent, or otherwise.  
42 Employee does not include a person exclusively on the premises for repair or  
43 maintenance of the premises or for the delivery of goods to the premises;

44 (6) "Establish" or "establishment", any of the following:

45 (a) The opening or commencement of any sexually oriented business as  
46 a new business;

47 (b) The conversion of an existing business, whether or not a sexually  
48 oriented business, to any sexually oriented business; or

49 (c) The addition of any sexually oriented business to any other existing  
50 sexually oriented business;

51 (7) "Influential interest", any of the following:

52 (a) The actual power to operate the sexually oriented business or control  
53 the operation, management, or policies of the sexually oriented business or legal  
54 entity which operates the sexually oriented business;

55 (b) Ownership of a financial interest of thirty percent or more of a  
56 business or of any class of voting securities of a business; or

57 (c) Holding an office, such as president, vice president, secretary,  
58 treasurer, managing member, or managing director, in a legal entity which  
59 operates the sexually oriented business;

60 (8) "Nudity" or "state of nudity", the showing of the human male or  
61 female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a  
62 fully opaque covering, or the showing of the female breast with less than a fully  
63 opaque covering of any part of the nipple or areola;

64 (9) "Operator", any person on the premises of a sexually oriented  
65 business who causes the business to function or who puts or keeps in operation  
66 the business or who is authorized to manage the business or exercise overall  
67 operational control of the business premises. A person may be found to be  
68 operating or causing to be operated a sexually oriented business whether or not  
69 such person is an owner, part owner, or licensee of the business;

70 (10) "Premises", the real property upon which the sexually oriented  
71 business is located, and all appurtenances thereto and buildings thereon,  
72 including but not limited to the sexually oriented business, the grounds, private  
73 walkways, and parking lots or parking garages or both;

74 (11) "Regularly", the consistent and repeated doing of the act so  
75 described;

76 (12) "Semi-nude" or "state of semi-nudity", the showing of the female  
77 breast below a horizontal line across the top of the areola and extending across  
78 the width of the breast at such point, or the showing of the male or female  
79 buttocks. Such definition includes the lower portion of the human female breast,  
80 but shall not include any portion of the cleavage of the female breasts exhibited  
81 by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the  
82 areola is not exposed in whole or in part;

83 (13) "Semi-nude model studio", a place where persons regularly appear  
84 in a state of semi-nudity for money or any form of consideration in order to be  
85 observed, sketched, drawn, painted, sculptured, photographed, or similarly  
86 depicted by other persons. Such definition shall not apply to any place where  
87 persons appearing in a state of semi-nudity do so in a modeling class operated:

88 (a) By a college, junior college, or university supported entirely or partly  
89 by taxation;

90 (b) By a private college or university which maintains and operates  
91 educational programs in which credits are transferable to a college, junior  
92 college, or university supported entirely or partly by taxation; or

93 (c) In a structure:

94 a. Which has no sign visible from the exterior of the structure and no  
95 other advertising that indicates a semi-nude person is available for viewing; and

96 b. Where, in order to participate in a class, a student must enroll at least  
97 three days in advance of the class;

98 (14) "Sexual encounter center", a business or commercial enterprise that,  
99 as one of its principal purposes, purports to offer for any form of consideration  
100 physical contact in the form of wrestling or tumbling between two or more  
101 persons when one or more of the persons is semi-nude;

(15) "Sexually oriented business", an adult bookstore or adult video store, an adult cabaret, an adult motion picture theater, a semi-nude model studio, or a sexual encounter center;

(16) "Specified anatomical areas":

(a) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(17) "Specified criminal act", any of the following specified offenses for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later:

(a) Rape and sexual assault offenses;

(b) Sexual offenses involving minors;

(c) Offenses involving prostitution;

(d) Obscenity offenses;

(e) Offenses involving money laundering;

(f) Offenses involving tax evasion;

(g) Any attempt, solicitation, or conspiracy to commit one of the offenses listed in paragraphs (a) to (f) of this subdivision; or

(h) Any offense committed in another jurisdiction which if committed in this state would have constituted an offense listed in paragraphs (a) to (g) of this subdivision;

(18) "Specified sexual activity", any of the following:

(a) Intercourse, oral copulation, masturbation, or sodomy; or

(b) Excretory functions as a part of or in connection with any of the activities described in paragraph (a) of this subdivision;

(19) "Substantial", at least thirty percent of the item or items so modified;

(20) "Viewing room", the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video cassette, digital video disc, or other video reproduction.]

[574.030. For the purposes of sections 574.010 and 574.020

(1) "Property of another" means any property in which the actor does not have a possessory interest;

(2) "Private property" means any place which at the time is not open to the public. It includes property which is owned publicly or privately;

(3) "Public place" means any place which at the time is open to the public. It includes property which is owned publicly or privately;

(4) If a building or structure is divided into separately occupied units, such units are separate premises.]

[575.350. 1. A person commits the crime of killing or disabling a police

animal when such person knowingly causes the death of a police animal, or knowingly disables a police animal to the extent it is unable to be utilized as a

4 police animal, when that animal is involved in a law enforcement investigation,  
5 apprehension, tracking, or search and rescue, or the animal is in the custody of  
6 or under the control of a law enforcement officer, department of corrections  
7 officer, municipal police department, fire department and a rescue unit or agency.

8 2. Killing or disabling a police animal is a class D felony.]  
9

2 [577.026. 1. Chemical tests of the person's breath, blood, saliva, or urine  
3 to be considered valid under the provisions of sections 577.020 to 577.041, shall  
4 be performed according to methods and devices approved by the state department  
5 of health and senior services by licensed medical personnel or by a person  
6 possessing a valid permit issued by the state department of health and senior  
7 services for this purpose.

8 2. The state department of health and senior services shall approve  
9 satisfactory techniques, devices, equipment, or methods to conduct tests required  
10 by sections 577.020 to 577.041, and shall establish standards as to the  
11 qualifications and competence of individuals to conduct analyses and to issue  
12 permits which shall be subject to termination or revocation by the state  
13 department of health and senior services.]

2 [577.065. 1. Whenever any all-terrain vehicle is involved in an accident  
3 resulting in loss of life, personal injury or damage to property and the operator  
4 thereof has knowledge of such accident, he shall stop and give his name and  
5 address, the name and address of the owner thereof and the registration number  
6 of the all-terrain vehicle to the injured person or the person sustaining the damage  
7 or to a police officer. In case no police officer nor the person sustaining the  
8 damage is present at the place where the damage occurred, then the operator shall  
9 immediately report the accident, as soon as he is physically able, to the nearest  
10 law enforcement agency.

11 2. A law enforcement officer who investigates or receives information  
12 of an accident involving an all-terrain vehicle and also involving the loss of life  
13 or serious physical injury, as defined in section 556.061, shall make a written  
14 report of the investigation or information received, and such additional facts  
15 relating to the accident as may come to his knowledge, and mail the information  
16 to the department of public safety and keep a record thereof in his office.

17 3. This section does not apply when property damage is sustained in  
18 sanctioned all-terrain vehicle races, derbies and rallies.

19 4. Any person leaving the scene of an accident involving an all-terrain  
20 vehicle which results in a serious personal injury shall be guilty of a class A  
21 misdemeanor, except that it shall be a class D felony if the accident resulted in  
22 death of another party or if defendant has previously pled guilty or been found  
23 guilty of a violation of this section.]

2 [577.071. The prosecutor of any county and the circuit attorney of any  
city not within a county shall investigate reports of violations of sections 260.211

3 and 260.212 and may, by information or indictment, institute a prosecution for  
4 any violation of sections 260.211 and 260.212.]  
5

2 [577.090. Any law enforcement officer shall and any agent of the  
3 conservation commission or deputy or member of the highway patrol, water  
4 patrol division, may enforce the provisions of sections 577.070 and 577.080 and  
5 arrest violators thereof; except that conservation agents may enforce such  
6 provisions only upon the water, the banks thereof or upon public land.]

2 [577.105. 1. "Party line", as used in this section, means a subscriber's  
3 line telephone circuit, consisting of two or more main telephone stations  
4 connected therewith, each station with a distinctive ring or telephone number.  
5 "Emergency", as used in this section, means a situation in which property or  
6 human life are in jeopardy and the prompt summoning of aid is essential.

7 2. Any person who willfully refuses to immediately relinquish a party  
8 line when informed that the line is needed for an emergency call to a fire  
9 department or law enforcement official or for medical aid or ambulance service,  
10 or any person who secures the use of a party line by falsely stating that the line  
11 is needed for an emergency call, is guilty of a misdemeanor.

12 3. Every telephone directory hereafter distributed to the members of the  
13 general public in this state or in any portion thereof which lists the calling  
14 numbers of telephones of any telephone exchange located in this state shall  
15 contain a notice which explains the offense provided for in this section, the notice  
16 to be preceded by the word "warning"; provided, that the provisions of this  
17 section shall not apply to those directories distributed solely for business  
18 advertising purposes, commonly known as classified directories, nor to any  
19 telephone directory heretofore distributed to the general public. Any person, firm  
20 or corporation providing telephone service which distributes or causes to be  
21 distributed in the state copies of a telephone directory which is subject to the  
22 provisions of this section and which do not contain the notice herein provided for  
23 is guilty of a misdemeanor.]

2 [577.110. No person under the age of sixteen years shall operate a motor  
3 vehicle on the highways of this state. Any person who violates this section, upon  
4 conviction thereof, shall be punished by a fine of not less than five dollars nor  
5 more than five hundred dollars.]

2 [577.160. 1. As used in sections 577.160 and 577.161, the following  
3 words mean:

4 (1) "Swimming pool", any artificial basin of water which is modified,  
5 improved, constructed or installed for the purpose of public swimming, and  
6 includes: pools for community use, pools at apartments, condominiums, and  
7 other groups of associations having five or more living units, clubs, churches,  
camps, schools, institutions, Y.M.C.A. and Y.W.C.A. parks, recreational areas,



8 motels, hotels and other commercial establishments. It does not include pools at  
9 private residences intended only for the use of the owner or guests;

10 (2) "Person", any individual, group of individuals, association, trust,  
11 partnership, corporation, person doing business under an assumed name, county,  
12 municipality, the state of Missouri, or any political subdivision or department  
13 thereof, or any other entity;

14 (3) "Life jacket", a life jacket, life vest or any other flotation device  
15 designed to be worn about the body to assist in maintaining buoyancy in water.]  
16

[577.201. As used in this section and section 577.203, "flight crew  
2 member" shall include the pilot in command, copilots, flight engineers and flight  
3 navigators.]  
4

[577.206. 1. Any person who operates, or acts as a flight crew member  
2 of, any aircraft in this state is deemed to have given his or her consent to  
3 chemical testing of his or her blood, breath, or urine for the purpose of  
4 determining the alcohol or drug content of the blood. The consent shall be  
5 deemed only if the person is detained for any offense allegedly committed in  
6 violation of sections 577.201 and 577.203 or if any officer requests chemical  
7 testing as part of an investigation of a suspected violation of state or local law.  
8 The test shall be administered at the direction of the law enforcement officer.

9 2. The implied consent to submit to the chemical tests shall be limited to  
10 not more than two such tests arising from the same incident.]  
11

[577.208. 1. Chemical tests of the person's breath, blood, or urine to be  
2 considered valid shall be performed according to methods and devices approved  
3 by the state department of health and senior services and shall be performed by  
4 licensed medical personnel or by a person possessing a valid permit issued by the  
5 state department of health and senior services for this purpose. A blood test shall  
6 not be performed if the medical personnel, in good faith medical judgment,  
7 believe such procedure would endanger the health of the person in custody.

8 2. Upon request of the person tested, full information concerning the test  
9 shall be made available to him.

10 3. No person administering a chemical test under this section and  
11 sections 577.206, 577.211 and 577.214, or any other person, firm or corporation  
12 with whom he is associated, shall be civilly liable for damages to the person  
13 tested except for negligence or by willful or wanton act or omission.]  
14

[577.211. Any person who is dead, unconscious, or otherwise incapable  
2 of refusing to take a test shall be deemed to not have withdrawn the consent, and  
3 the chemical test may be administered.]  
4

[577.214. The provisions of section 491.060 shall not prevent the  
2 admissibility of evidence of any chemical analysis performed under this section  
3 and sections 577.206, 577.208 and 577.211. In any criminal prosecution for the

4 violation of sections 577.201 and 577.203, the results of any properly performed  
5 chemical test of the defendant's blood, breath or urine shall be admissible as  
6 evidence.]  
7

2 [578.105. If any county of the first class having a charter form of  
3 government containing the major portion of a city of over four hundred fifty  
4 thousand inhabitants exempts itself from the application of section 578.100 by  
5 a vote of the voters of the county pursuant to provisions of law permitting such  
6 vote, then a county in the following classification may also exempt itself from the  
7 application of section 578.100: Any county of the second class as of 1977 that  
8 is adjacent to any county containing a portion of a city with a population of more  
9 than four hundred thousand inhabitants in the 1970 census. The county may  
10 exempt itself from the provisions of section 578.100 by submission of the  
11 proposition to the voters of the county at a general election or a primary election,  
12 and the proposition receiving a majority of the votes cast therein. The proposal  
13 to exempt the county from the provisions of section 578.100 shall be submitted  
14 to the voters of the county upon a majority vote of the governing body of the  
15 county or when a petition requesting the submission of the proposal to the voters  
16 and signed by a number of qualified voters residing in the county equal to eight  
17 percent of the votes cast in the county in the next preceding gubernatorial election  
18 is filed with the governing body of the county. The ballot of submission shall  
19 contain, but not be limited to, the following language: To exempt ..... County  
20 from the Sunday sales law.

21 ☐ YES

22 ☐ NO

23 If a majority of the votes cast on the proposal by the qualified voters voting  
24 thereon in the county are in favor of the proposal, then the provisions of section  
25 578.100 shall no longer apply within that county. If a majority of the votes cast  
26 on the proposal by the qualified voters voting thereon in the county are opposed  
27 to the proposal, then the provisions of section 578.100 shall continue to apply and  
28 be enforced within that county. The exemption of any county from the provisions  
29 of section 578.100 shall not become effective in that county until the results of  
30 the vote exempting the county have been filed with the secretary of state and with  
31 the revisor of statutes and have been certified as received by those officers. The  
32 revisor of statutes shall note which counties are exempt from the provisions of  
33 section 578.100 in the Missouri revised statutes.]

2 [578.106. 1. The governing body of any city not within a county may, by  
3 ordinance, exempt areas of the city located within two thousand five hundred  
4 yards of a convention center owned by the city or within two thousand five  
5 hundred yards of a municipal auditorium owned by the city, or either of such  
6 areas, or parts of either or both of such areas, from the application of section  
7 578.100. The ordinance of exemption shall specifically define the area or areas  
8 to be exempted and upon passage of such ordinance and filing with the secretary  
of state and the revisor of statutes, the provisions of section 578.100 shall no

9 longer apply within the designated area or areas of the city but shall continue to  
10 apply and be enforced in all parts of the city not included within the designated  
11 area or areas. However, the sale of automobiles shall not be permitted within the  
12 exempted area or areas. The governing body of any city adopting an ordinance  
13 pursuant to this section shall file a copy of such ordinance with the secretary of  
14 state and with the revisor of statutes and such officer shall certify the receipt of  
15 the ordinance. The revisor of statutes shall note in the Missouri revised statutes  
16 that an area or areas of the named city are exempt from the provisions of section  
17 578.100.

18 2. Following the effective date of any exemption adopted pursuant to  
19 subsection 1 of this section, no person who leases any structure, or portion  
20 thereof, within the area to which such exemption applies to any person engaged  
21 in selling merchandise at retail, may include in the lease, contract, or other  
22 document governing such lease any provision which would, directly or indirectly,  
23 require the lessee to open his business to the general public on Sundays.

24 3. Following the effective date of any exemption adopted pursuant to  
25 subsection 1 of this section, no lease, contract, or other document governing the  
26 lease of any structure, or portion thereof, to any person engaged in selling  
27 merchandise at retail, which was in effect prior to the date of such exemption  
28 shall be interpreted to require the lessee to open his business to the general public  
29 on Sundays if the lessee was not required to open his business to the general  
30 public at the time he signed such lease, contract, or other document.

31 4. If any portion of this section is found by a court of competent  
32 jurisdiction to be unconstitutional, all remaining portions of this section shall  
33 remain valid unless the court finds that the valid provisions of this section are so  
34 essentially and inseparably connected with the invalid provision that they cannot  
35 stand alone.]

36

2 [578.110. 1. As used in this section, the term "area" includes all cities  
3 not within a county, all first class counties having a charter form of government  
4 and adjoining such cities not within a county and all first class counties which  
5 adjoin such first class counties having a charter form of government and  
6 adjoining cities not within a county; and the term "county" means any county of  
7 this state not within an area.

8 2. In addition to the counties which may exempt themselves from the  
9 application of section 578.100, under the provisions of section 578.100 or section  
10 578.105, any other county or area may also exempt itself from the application of  
11 section 578.100 by a vote of the qualified voters of the county or area; provided  
12 that, before any area may so exempt itself from the provisions of section 578.100,  
13 the qualified voters of each city not within a county and each county within such  
14 area shall vote on the proposal for exemption from the provisions of section  
15 578.100 at the same election and a majority of the total votes cast in such area  
16 shall be in favor of the proposal before either such city or any of such counties  
may be exempted from the provisions of section 578.100.

17           3. In order to exempt itself from the provisions of section 578.100, the  
18 county or area shall submit the proposition to the voters of the county or area at  
19 any election, and the proposition shall receive a majority of the votes cast. The  
20 proposition to exempt the county from the provisions of section 578.100 shall be  
21 submitted to the voters of the county upon a majority vote of the governing body  
22 of the county or when a petition requesting the submission of the proposition to  
23 the voters and signed by a number of registered voters residing in the county  
24 equal to eight percent of the votes cast in the county in the next preceding  
25 gubernatorial election is filed with the governing body of the county. When a  
26 petition signed by a number of registered voters residing in the area equal to eight  
27 percent of the votes cast in the area in the next preceding gubernatorial election  
28 requesting the submission of a proposition to exempt the area from the provisions  
29 of section 578.100 is filed with each of the governing bodies of the area, the  
30 proposition shall be submitted to the voters of the area. The ballot of submission  
31 shall contain, but need not be limited to, the following language:

32           To exempt . . . . . County (or the area consisting  
33 of . . . . . city and . . . . .  
34 counties) from the Sunday sales law.  
35           ☐ YES                      ☐ NO  
36

37           If a majority of the votes cast on the proposal by the registered voters voting  
38 thereon in the county or area are in favor of the proposal, then the provisions of  
39 section 578.100 shall no longer apply within that county or area. If a majority of  
40 the votes cast on the proposal by the registered voters voting thereon in the  
41 county or area are opposed to the proposal, then the provisions of section 578.100  
42 shall continue to apply and be enforced within that county or area. The  
43 exemption of the county or area from the provisions of section 578.100 shall not  
44 become effective in that county or area until the results of the vote exempting the  
45 county or area have been filed with the secretary of state and with the revisor of  
46 statutes and have been certified as received by those officers. The revisor of  
47 statutes shall note which counties or areas are exempt from the provisions of  
48 section 578.100 in the Missouri revised statutes.]  
49

2           [578.120. 1. Notwithstanding any provision in this chapter to the  
3 contrary, no dealer, distributor or manufacturer licensed under section 301.559  
4 may keep open, operate, or assist in keeping open or operating any established  
5 place of business for the purpose of buying, selling, bartering or exchanging, or  
6 offering for sale, barter or exchange, any motor vehicle, whether new or used, on  
7 Sunday. However, this section does not apply to the sale of manufactured  
8 housing; the sale of recreational motor vehicles; washing, towing, wrecking or  
9 repairing operations; the sale of petroleum products, tires, and repair parts and  
10 accessories; or new vehicle shows or displays participated in by five or more  
11 franchised dealers or in towns or cities with five or fewer dealers, a majority.

12           2. No association consisting of motor vehicle dealers, distributors or  
manufacturers licensed under section 301.559 shall be in violation of antitrust or

restraint of trade statutes under chapter 416 or regulation promulgated thereunder solely because it encourages its members not to open or operate on Sunday a place of business for the purpose of buying, selling, bartering or exchanging any motor vehicle.

3. Any person who violates the provisions of this section shall be guilty of a class C misdemeanor.]

[578.200. Sections 578.200 to 578.225 shall be known and may be cited as the "Cave Resources Act".]

[578.205. When used in sections 578.200 to 578.225, the following words and phrases shall have the meanings ascribed to them in this section unless the context clearly requires otherwise:

(1) "Cave or cavern", any naturally occurring subterranean cavity enterable by man including, without limitation, a pit, pothole, natural well, grotto and tunnel, whether or not the opening has a natural entrance;

(2) "Cave system", the caves in a given area related to each other hydrologically, whether continuous or discontinuous from a single opening;

(3) "Show cave", any cave or cavern wherein trails have been created and some type of lighting provided by the owner or operator for purpose of exhibition to the general public as a profit or nonprofit enterprise, wherein a fee is generally collected for entry;

(4) "Sinkhole", a hollow place or depression in the ground in which drainage may collect with an opening therefrom into an underground channel or cave including any subsurface opening that might be bridged by a formation of silt, gravel, humus or any other material through which percolation into the channel or cave may occur.]

[578.220. Sections 578.200 to 578.225 shall not apply to vertical or horizontal underground mining operations.]

[578.225. Any person who violates any provision of sections 578.200 to 578.225 is guilty of a class A misdemeanor.]

[578.353. Any person licensed under chapter 334 or 335 who, in good faith, makes a report pursuant to section 578.350 shall have immunity from civil liability that otherwise might result from such report and shall have the same immunity with respect to any good faith participation in any judicial proceeding in which the reported gunshot wound is an issue. Notwithstanding the provisions of subdivision (5) of section 491.060, the existence of a physician-patient relationship shall not prevent a physician from submitting the report required in section 578.350, or testifying regarding information acquired from a patient treated for a gunshot wound if such testimony is otherwise admissible.]

[578.360. As used in sections 578.360 to 578.365, unless the context clearly requires otherwise, the following terms mean:

(1) "Educational institution", a public or private college or university;

(2) "Hazing", a willful act, occurring on or off the campus of an educational institution, directed against a student or a prospective member of an organization operating under the sanction of an educational institution, that recklessly endangers the mental or physical health or safety of a student or prospective member for the purpose of initiation or admission into or continued membership in any such organization to the extent that such person is knowingly placed at probable risk of the loss of life or probable bodily or psychological harm. Acts of hazing shall include:

(a) Any activity which recklessly endangers the physical health or safety of the student or prospective member, including but not limited to physical brutality, whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug or other substance or forced smoking or chewing of tobacco products; or

(b) Any activity which recklessly endangers the mental health of the student or prospective member, including but not limited to sleep deprivation, physical confinement, or other extreme stress-inducing activity; or

(c) Any activity that requires the student or prospective member to perform a duty or task which involves a violation of the criminal laws of this state or any political subdivision in this state.]

[578.363. Each educational institution in this state shall adopt a written policy prohibiting hazing by any organization operating under the sanction of the institution.]

[578.375. As used in sections 578.375 to 578.389, the following terms mean:

(1) "Authorization to participate" or "ATP card", a document which is issued by a state or federal agency to a certified household to show the food stamp allotment the household is authorized to receive on presentation of the document;

(2) "Department", the Missouri department of social services or any of its divisions;

(3) "Employment information", the following facts if reasonably available: complete name, beginning and ending dates of employment during the most recent five years, amount of money earned in any month or months during the most recent five years, last known address, date of birth, and Social Security account number;

(4) "Food stamp coupons" or "food stamp", any coupon, stamp or other type of document used or intended for use in the purchase of food pursuant to the Missouri food stamp program;

(5) "Public assistance", anything of value, including money, food, ATP cards, food stamp coupons, commodities, clothing, utilities, utilities payments,

19 shelter, drugs and medicine, materials, goods, and any service including  
20 institutional care, medical care, dental care, child care, psychiatric and  
21 psychological service, rehabilitation instruction, training, or counseling, received  
22 by or paid on behalf of any person under chapters 198, 205, 207, 208, 209, and  
23 660, or benefits, programs, and services provided or administered by the Missouri  
24 department of social services or any of its divisions.]  
25

2 [578.389. 1. Every person who has been previously convicted of two  
3 violations in section 578.377, 578.379, 578.381, 578.383, 578.385, 578.387, or  
4 578.389 or any two of them shall, upon a subsequent conviction of any of these  
5 offenses, be guilty of a class C felony and shall be punished accordingly.

6 2. Evidence of prior convictions shall be heard by the court, out of the  
7 hearing of the jury, prior to the submission of the case to the jury, and the court  
8 shall determine the existence of the prior convictions.]

2 [578.409. 1. Any person who violates section 578.407:

3 (1) Shall be guilty of a misdemeanor for each such violation unless the  
4 loss, theft, or damage to the animal facility exceeds three hundred dollars in  
5 value;

6 (2) Shall be guilty of a class D felony if the loss, theft, or damage to the  
7 animal facility property exceeds three hundred dollars in value but does not  
8 exceed ten thousand dollars in value;

9 (3) Shall be guilty of a class C felony if the loss, theft, or damage to the  
10 animal facility property exceeds ten thousand dollars in value but does not exceed  
11 one hundred thousand dollars in value;

12 (4) Shall be guilty of a class B felony if the loss, theft, or damage to the  
13 animal facility exceeds one hundred thousand dollars in value.

14 2. Any person who intentionally agrees with another person to violate  
15 section 578.407 and commits an act in furtherance of such violation shall be  
16 guilty of the same class of violation as provided in subsection 1 of this section.

17 3. In the determination of the value of the loss, theft, or damage to an  
18 animal facility, the court shall conduct a hearing to determine the reasonable cost  
19 of replacement of materials, data, equipment, animals, and records that were  
20 damaged, destroyed, lost, or cannot be returned, as well as the reasonable cost of  
21 lost production funds and repeating experimentation that may have been  
22 disrupted or invalidated as a result of the violation of section 578.407.

23 4. Any persons found guilty of a violation of section 578.407 shall be  
24 ordered by the court to make restitution, jointly and severally, to the owner,  
25 operator, or both, of the animal facility, in the full amount of the reasonable cost  
26 as determined under subsection 3 of this section.

27 5. Any person who has been damaged by a violation of section 578.407  
28 may recover all actual and consequential damages, punitive damages, and court  
29 costs, including reasonable attorneys' fees, from the person causing such damage.

30 6. Nothing in sections 578.405 to 578.412 shall preclude any animal  
facility injured in its business or property by a violation of section 578.407 from

31 seeking appropriate relief under any other provision of law or remedy including  
32 the issuance of an injunction against any person who violates section 578.407.  
33 The owner or operator of the animal facility may petition the court to  
34 permanently enjoin such persons from violating sections 578.405 to 578.412 and  
35 the court shall provide such relief.]  
36

2 [578.412. 1. The director shall have the authority to investigate any  
3 alleged violation of sections 578.405 to 578.412, along with any other law  
4 enforcement agency, and may take any action within the director's authority  
5 necessary for the enforcement of sections 578.405 to 578.412. The attorney  
6 general, the highway patrol, and other law enforcement officials shall provide  
7 assistance required in the conduct of an investigation.

8 2. The director may promulgate rules and regulations necessary for the  
9 enforcement of sections 578.405 to 578.412. No rule or portion of a rule  
10 promulgated under the authority of sections 578.405 to 578.412 shall become  
11 effective unless it has been promulgated pursuant to the provisions of section  
12 536.024.]

2 [578.414. Sections 578.414 to 578.420 shall be known and may be cited  
3 as "The Crop Protection Act". As used in sections 578.414 to 578.420, the term  
4 "director" shall mean the director of the department of agriculture.]

2 [578.418. 1. Any person who violates section 578.416:  
3 (1) Shall be guilty of a misdemeanor for each such violation unless the  
4 loss or damage to the crop exceeds five hundred dollars in value;  
5 (2) Shall be guilty of a class D felony if the loss or damage to the crop  
6 exceeds five hundred dollars in value but does not exceed one thousand dollars  
7 in value;  
8 (3) Shall be guilty of a class C felony if the loss or damage to the crop  
9 exceeds one thousand dollars in value but does not exceed one hundred thousand  
10 dollars in value;  
11 (4) Shall be guilty of a class B felony if the loss or damage to the crop  
12 exceeds one hundred thousand dollars in value.

13 2. Any person who has been damaged by a violation of section 578.416  
14 may have a civil cause of action pursuant to section 537.353.

15 3. Nothing in sections 578.414 to 578.420 shall preclude any owner or  
16 operator injured in his or her business or property by a violation of section  
17 578.416 from seeking appropriate relief under any other provision of law or  
18 remedy including the issuance of an injunction against any person who violates  
19 section 578.416. The owner or operator of the business may petition the court to  
20 permanently enjoin such persons from violating sections 578.414 to 578.420 and  
21 the court shall provide such relief.]

2 [578.420. 1. The director shall have the authority to investigate any  
alleged violation of sections 578.414 to 578.420, along with any other law



3 enforcement agency, and may take any action within the director's authority  
4 necessary for the enforcement of sections 578.414 to 578.420. The attorney  
5 general, the highway patrol, and other law enforcement officials shall provide  
6 assistance required in the conduct of an investigation.

7 2. The director may promulgate rules and regulations necessary for the  
8 enforcement of sections 578.414 to 578.420. Any rule or portion of a rule, as that  
9 term is defined in section 536.010, that is created under the authority delegated  
10 in sections 578.414 to 578.420 shall become effective only if it complies with  
11 and is subject to all of the provisions of chapter 536 and, if applicable, section  
12 536.028. Sections 578.414 to 578.420 and chapter 536 are nonseverable and if  
13 any of the powers vested with the general assembly pursuant to chapter 536 to  
14 review, to delay the effective date or to disapprove and annul a rule are  
15 subsequently held unconstitutional, then the grant of rulemaking authority and  
16 any rule proposed or adopted after August 28, 2001, shall be invalid and void.]  
17

2 [578.433. It is unlawful for a person to keep or maintain such a public  
3 nuisance. In addition to any other criminal prosecutions, the prosecuting attorney  
4 or circuit attorney may by information or indictment charge the owner or the  
5 occupant, or both the owner and the occupant, of the room, building, structure,  
6 or inhabitable structure with the crime of keeping or maintaining a public  
7 nuisance. Keeping or maintaining a public nuisance is a class C felony.]

2 [578.530. It shall be an affirmative defense to prosecution for a violation  
3 of sections 578.520 and 578.525 that the premises were at the time open to  
4 members of the public and the person complied with all lawful conditions  
imposed concerning access to or the privilege of remaining on the premises.]

✓